

RETURN

(157)

COPIES of all correspondence, Orders-in-Council, etc., etc., touching any proposal or bill to erect dams or other similar works across the River St. Lawrence, or part of the said River, at or near the Long Sault, or in the vicinity thereof.

P. C. 2491.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 2nd November, 1900.

On a Memorandum dated 24th October, 1900, from the Acting Minister of Railways and Canals representing that, in order to the removal of certain cross currents which, at present, interfere with the full utilization of the Channel excavated through the rapids at the head of the Galops Canal for the accommodation of descending vessels, it is considered essential that a dam should be constructed from Adam's Island to Les Galops Island, the former being Canadian, the latter American territory, the International Boundary lying midway between the two. It is proposed that the work of constructing this dam, and its maintenance, should be defrayed entirely by the Dominion, the works to be benefited thereby being Canadian works.

The Minister further represents, however, that it is necessary that the consent of the Government of the United States be obtained for the execution of this project.

The Minister recommends that Your Excellency cause communication to be had with the Government of the United States, with a view of obtaining such consent. To this end he furnishes a plan, shewing the locality in question and the site of the proposed dam.

The Committee advise that Your Excellency be moved to forward a certified copy of this Minute, together with said plan, to Her Majesty's Ambassador to the United States.

All which is respectfully submitted for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

Copy.
No. 130.

P. C. 490 L.

LORD PAUNCEFOTE TO LORD MINTO.

WASHINGTON,
November 13, 1900.

MY LORD,—

I have the honour to inform Your Excellency that on receipt of your despatch No. 95 of the 5th instant, I addressed a Note to the United States

1-2 GEORGE V., A. 1911.

Secretary of State informing him of the proposed construction by the Canadian Government of a dam for the improvement of navigation in a portion of the course of the St. Lawrence River, and requesting the consent of his Government for the undertaking of that part of the work which will be in United States territory.

I have now received a Note from Mr. Hay in reply, in which he informs me that the matter has been referred to the Secretary of State for War for examination with a view to bringing to the consideration of the United States Congress under the provisions of the River and Harbour Act, approved March 3, 1899.

I have the honour to transmit herewith a copy of this Act, par. 9 of which would appear to be the one necessitating a consideration of the question by Congress.

This section is to be found on page 34 of the Act.

I have, &c.,

(Sgd.) H. NORMAN,
(For the Ambassador.)

His Excellency

The Earl of Minto, G.C.M.G.,
&c., &c., &c.

(Public — No. 189)

An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbours, and for other purposes.

SEC. 9. That it shall not be lawful to construct or commence the construction of any bridge, dam, dike, or causeway over or in any port, roadstead, haven, harbour, canal, navigable river, or other navigable water of the United States until the consent of Congress to the building of such structures shall have been obtained and until the plans for the same shall have been submitted to and approved by the Chief of Engineers and by the Secretary of War; *Provided*, That such structures may be built under authority of the Legislature of a State across rivers and other waterways, the navigable portions of which lie wholly within the limits of a single State, provided the location and plans thereof are submitted to and approved by the Chief of Engineers and by the Secretary of War before construction is commenced; *and provided further*, That when plans for any bridge or other structure have been approved by the Chief Engineers and by the Secretary of War, it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of said plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

P. C. 542 L.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 7th November, 1901.

The Committee of the Privy Council have had under consideration a despatch, hereto attached, dated 12 January, 1901, from His Majesty's Ambassador to the United States relative to the request preferred on behalf of the Canadian Government for the consent of the United States Government to the construction of a dam from Adam's Island to Les Galops Island, the former

SESSIONAL PAPER No. 157.

being Canadian, and the latter American territory, it appearing from the said communication that the matter has been submitted to Congress, as required by Statutory provisions.

The Minister of Railways and Canals, to whom the matter was referred, observes that no intimation has, so far, been received by him as to the action taken by Congress, and the question of making provision for the work requiring to be dealt with at an early date.

The Minister recommends that communication be had with the Government of the United States in order to ascertain the present position of the matter, and to expedite a definite reply to the request so preferred.

The Committee advise that His Excellency be moved to forward a certified copy of this minute to His Majesty's Ambassador at Washington.

All of which is respectfully submitted for His Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

No. 4.

FROM LORD PAUNCEFOTE TO LORD MINTO.

BRITISH EMBASSY,
WASHINGTON,
January 12th, 1901.

MY LORD,—

With reference to Your Excellency's despatch No. 95 of November 5 last, I have the honour to transmit to Your Excellency, herewith, a copy of House document No. 297, 56th Congress, Second Session, which I have to-day received from the United States Government.

Your Excellency will perceive from this document that the request of the Canadian Government for the consent of the United States Government to the construction of a dam in the St. Lawrence River on that portion of United States territory which lies between Adams Island and Les Galops Island has been submitted to Congress by the Secretary of War, this course being deemed necessary by the Judge Advocate General.

I have, etc.,

(Sgd.) PAUNCEFOTE.

The Right Honourable
The Earl of Minto, G.C.M.G.,
etc., etc., etc.,
Governor General of Canada.

56th Congress }
2d Session. }

} Document
} No. 297.

HOUSE OF REPRESENTATIVES.

DAM FROM CANADIAN TO UNITED STATES TERRITORY.

LETTER
FROM THE SECRETARY OF WAR
transmitting,

With a letter from the Secretary of State, communications relating to the construction by the Dominion of Canada of a Dam from Canadian to United States Territory.

1-2 GEORGE V., A. 1911.

January 9, 1901.—Referred to the Committee on Rivers and Harbours, and ordered to be printed.

WAR DEPARTMENT,
WASHINGTON, January 7, 1901.

SIR,—

I have the honour to transmit herewith, for such action as Congress may deem appropriate, copy of a letter addressed to this Department by the Honourable the Secretary of State, under date of November 13 last, and its inclosure, copy of a note from the British Ambassador touching the proposed construction by the Government of the Dominion of Canada of a dam from Adams Island, in Canadian territory, to Les Galops Island, in United States territory, and requesting the consent of this Government for the construction, at the Canadian Government's expense, of that part of the work which will be in United States territory. Copy of report of the Chief of Engineers, United States Army, dated December 24 ultimo, from which it appears that there is no objection to the proposed dam so far as the questions of engineering and navigation are concerned; also copy of a report of the Judge-Advocate-General of the Army, expressing the opinion that Congress alone can give the consent of the United States to the proposed construction, are also herewith.

Very respectfully,

ELIHU ROOT,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DAM FROM CANADIAN TO UNITED STATES TERRITORY.

DEPARTMENT OF STATE,
WASHINGTON, November 13, 1900.

SIR,—

Referring to section 9 of the river and harbour act, approved March 3, 1899, I have the honour to inclose herewith, for an expression of your views and those of the Chief Engineer, a copy of a note from the British Ambassador, transmitting an extract from a report of the Canadian Privy Council touching the proposed construction by the Government of the Dominion of a dam from Adams Island, in Canadian territory, to Les Galops Island, in United States territory, and requesting the consent of this Government for the construction, at the Canadian Government's expense, of that part of the work which will be in United States territory.

The position of the proposed dam is indicated on the accompanying plan, the return of which is requested by Lord Pauncefote after examination.

I have the honour to be, sir, your obedient servant,

JOHN HAY.

The Secretary of War.

BRITISH EMBASSY,
WASHINGTON, November 8, 1900.

SIR,—

I have the honour to transmit to you herewith a copy of an approved minute of the Privy Council for Canada, which I have received from the Governor General in an official dispatch, representing that with a view to improving

SESSIONAL PAPER No. 157.

the navigation of the channel excavated through the rapids at the head of the Galops Island, in the St. Lawrence River, the Government of the Dominion propose to construct a dam from Adams Island, in Canadian territory, to Les Galops Island, in United States territory.

As it is necessary for the carrying out of this proposal that the consent of your Government should be obtained for the construction of that part of the work which will be upon United States territory, I am requested by His Excellency to approach you on the subject with a view to obtaining the desired permission, should there be no objection.

Lord Minto observes that the entire cost of the construction and maintenance of this work will be defrayed by the Dominion.

The position of the proposed dam is indicated on the accompanying plan, which I have the honour to request may be returned to me after examination.

I have the honour to be, with the highest consideration, sir,

Your most obedient, humble servant,

PAUNCEFOTE.

Hon. John Hay.

(Second Indorsement)

WAR DEPARTMENT,

OFFICE CHIEF OF ENGINEERS, U.S.A.,

December 24, 1900.

Respectfully returned to the Secretary of War.

The Secretary of State incloses a note from the British Ambassador regarding the proposed construction by the Dominion Government of a dam across a channel of the St. Lawrence River between Adams and Les Galops Islands. The object of the proposed dam is stated to be for the improvement of navigation through the rapids at the head of Les Galops Island; and I am informed by the district engineer officer that there is not only no objection to the dam, so far as the river engineering and navigation interests are concerned, but, on the contrary, such a dam would be an advantage to all vessels, American as well as Canadian, which navigate this part of the St. Lawrence River. I am further informed that the channel across which the dam is to be built is seldom navigated.

The consent of this Government is desired for the construction of that part of the work which will be upon United States territory.

I know of no objection, so far as questions of engineering and navigation are concerned, to this consent being given by the Secretary of War, if it is permissible in view of the provisions of section 9 of the Act of March 3, 1899. If under this law it is held that the Secretary of War has no power to authorize the construction of that portion of the structure on the American side of the channel, I suggest that the matter be brought to the attention of Congress with a view to obtaining legislative sanction of the project.

(Sgd.) JOHN M. WILSON,

Brig. Gen., Chief of Engineers, U. S. Army.

(Fourth Indorsement)

JUDGE-ADVOCATE-GENERAL'S OFFICE,

WASHINGTON, D.C., December 27, 1900.

Respectfully returned to the Secretary of War, inviting attention to the second indorsement hereon.

1-2 GEORGE V., A. 1911.

In my opinion Congress alone can give the consent of the United States to the construction of the proposed dam.

G. N. LIEBER,
Judge-Advocate-General.

Copy.
No. 118.

P. C. 951 L.

FROM LORD PAUNCEFOTE TO LORD MINTO.

BRITISH EMBASSY,
WASHINGTON, November 21, 1901.

MY LORD,—

I have the honour to acknowledge the receipt of Your Excellency's despatch No. 85 of the 11th instant relative to the request of your Government for the consent of the United States Government to the construction of that part of the proposed dam in the St. Lawrence from Adam's Island to Les Galops Island which will be in United States territory, in which you express the desire of Ministers to be informed of the present position of the affair in view of the importance of an early answer.

I have the honour to state in reply that the Committee of the House of Representatives on Rivers and Harbours to whom, as Your Excellency is aware, the matter was referred by the United States Secretary of War, had not yet reported upon it when the last Congress was dissolved.

I have accordingly addressed a note to the Secretary of State of the United States representing to him the importance of an early answer to the request of Your Excellency's Government in view of the consideration named in your despatch, and requesting him to be good enough to take steps to cause the matter to be brought to the notice of the approaching sitting of Congress at as early a date as may be practicable.

I have, etc.,

PAUNCEFOTE.

Copy.
No. 121.

P. C. 958 L.

FROM LORD PAUNCEFOTE TO LORD MINTO.

BRITISH EMBASSY,
WASHINGTON, November 2, 1901.

MY LORD,—

In continuation of my despatch No. 118 of the 21st instant, I have the honour to state that I have received a further note from the Secretary of State of the United States in which he informs me that he has requested the Secretary of War to recall to the attention of Congress the request of Your Excellency's Government for the consent of the United States Government to the construction of that part of the proposed dam in the St. Lawrence from Adam's Island to Les Galops Island which will be in United States territory.

I have, etc.,

PAUNCEFOTE.

SESSIONAL PAPER No. 157.

Copy.
No. 130.

P. C. 986 L.

FROM LORD PAUNCEFOTE TO LORD MINTO.

BRITISH EMBASSY,
WASHINGTON, December 23, 1901.

MY LORD,—

With reference to my despatch No. 118 of the 21st ultimo, I have the honour to inform Your Excellency that I have now received a note from the United States Secretary of State informing me that the United States Secretary of War has again called the attention of Congress to the request of your Government for the consent of the United States Government to the construction of a dam in the St. Lawrence River between Adam's Island and Les Galops Island.

I shall not fail to give Your Excellency the earliest information of any decision which Congress may arrive at on this point, and to expedite the matter so far as it may be in my power to do so.

I have, etc.,

PAUNCEFOTE.

P. C. 1067 L.

DEPARTMENT OF RAILWAYS AND CANALS,
OTTAWA, April 3rd, 1902.

The undersigned has the honour to acknowledge the receipt of a reference made to him from the Hon. the Privy Council, dated the 27th ultimo, being a copy of a communication, dated the 12th ultimo, from the British Ambassador at Washington, covering a copy of a letter from the Secretary of State of the United States, relative to the request, preferred on behalf of the Canadian Government, for the consent of his Government to the construction of a dam from Adam's Island to Les Galops Island, the former being Canadian, and the latter American territory, asking whether it is desired to furnish any additional information to the Sub-Committee on Foreign Affairs, to whom, he says, the matter has been referred, and, in reply, to say that no further information appears to be necessary, especially as the United States Government has had the site of the proposed dam examined by an engineer.

(Sgd.) ANDW. G. BLAIR,
Minister of Railways and Canals.

John J. McGee, Esq.,
Clerk, Privy Council,
Ottawa.

Copy.
No. 21.

FROM LORD PAUNCEFOTE TO LORD MINTO.

BRITISH EMBASSY,
WASHINGTON, March 12, 1902.

MY LORD,—

In my despatch No. 4 of January 12, 1901, I had the honour of informing Your Excellency that the request of the Canadian Government to the construc-

1-2 GEORGE V., A. 1911.

tion of a dam in the St. Lawrence River in that portion of United States territory which lies between Adams Island and Les Galops Island had been submitted to Congress by the Secretary of War. I am now in receipt of a note from the United States Government, copy of which I have the honour to enclose, stating that the Chairman of the Sub-Committee on Foreign Affairs is not familiar with the proposed measure or its requirements, and that any facts submitted to the Committee will receive attention. I have the honour to enquire whether any further information should be furnished to the United States Government in addition to that contained in the Minute of November 2, 1900, which was communicated to the United States Government, together with the plan of the proposed works.

This plan was returned to His Majesty's Embassy, and I propose to submit it again to the United States Government on receipt of Your Excellency's reply.

I have, etc.,

(In the absence of the Ambassador)

(Sgd.) ARTHUR S. RAIKES.

Copy.

No. 2388.

DEPARTMENT OF STATE,

WASHINGTON, March 6, 1902.

EXCELLENCY,—

Referring to previous correspondence with your Embassy touching the request of the Canadian Government for the consent of this Government to the construction of a dam in the St. Lawrence River partly within the territory of the United States, I have the honour to inform you that I am in receipt of a communication from the Chairman of the Sub-Committee on Foreign Affairs, to whom the matter has been referred. The Chairman states that the Sub-Committee has no familiarity with the proposed measure or its requirements, and that any facts submitted to the Committee will receive consideration.

With your note of November 8, 1900, on the subject, you transmitted for my examination a plan showing the locality and site of the proposed dam. The plan was returned on January 15, 1901, at your request. I have the honour to enquire whether you would wish to submit this plan to the Committee with any additional information you may possess of service to the Committee in the pending matter.

I have, etc.,

JOHN HAY.

P. C. 1159.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 16th July, 1902.

On a Memorandum dated 30th June, 1902, from the Minister of Railways and Canals, submitting that under authority of Orders in Council of 2nd November, 1900, and 7th November, 1901, communication was had with the Government of the United States with the object of obtaining their consent to the construction of a dam from Adams Island to Les Galops Island, in the River St. Lawrence, the former being Canadian, the latter American territory.

SESSIONAL PAPER No. 157.

The Minister represents that from newspaper reports it would appear that the requisite authorization has recently been given as desired. No official notification, however, has so far been received by the Government of Canada.

The Committee, on the recommendation of the Minister of Railways and Canals, advise that the Administrator be moved to communicate with His Majesty's Ambassador at Washington in order to ascertain, officially, the correctness or otherwise of such reports, the season for operations of the nature required in this connection being short, and it being desirable that any delay in the matter should be avoided.

All of which is respectfully submitted.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

No. 76

P. C. 1227 L.

BRITISH EMBASSY,
BAR HARBOUR, MAINE, July 16, 1902.

SIR,—

With reference to Lord Pauncefote's despatch No. 118 of November 21, 1901, I have the honour to inform you that I have received a communication from the United States Government enclosing a copy of an Act which I transmit herewith, giving, under certain conditions therein set forth, the consent of the United States to the construction by the Canadian Government of so much of the dam proposed to be constructed from Adams Island in the St. Lawrence river to Les Galops Island, as may be upon United States territory.

I have the honour to be,

Sir,

Your most obedient, humble servant,

(Sgd.) ARTHUR S. RAIKES.

The Right Honourable Sir Henry Strong,
etc., etc., etc.,

Administrator of the Dominion of Canada.

F.M.W.

(Public — No. 164)

AN ACT allowing the construction of a dam across the Saint Lawrence River.

Whereas, it is represented that the Government of the Dominion of Canada, with a view of improving the navigation of the channel excavated through the rapids at the head of Les Galops Island, in the Saint Lawrence River, proposes to construct a dam from Adams Island, in Canadian territory, to Les Galops Island, in the United States territory; and

Whereas, the consent of the United States to the construction of that part of the work which will be upon United States territory is desired; THEREFORE:—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled that consent is hereby given for the construction of the portion of the aforesaid dam which crosses or abuts upon the territory of the United States; *Provided*, That the type of the proposed dam and the plans of construction and operation thereof shall be such as will not, in

1-2 GEORGE V., A. 1911.

the judgment of the Secretary of War, materially affect the water level of Lake Ontario or the Saint Lawrence River or cause any other injury to the interests of the United States or any citizen thereof; *and provided further*, That the work of construction on United States territory shall not be commenced until plans and details of the work shall have been submitted to and approved by the Secretary of War.

APPROVED June 18, 1902.

P. C. 154.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 6th February, 1903.

On a Report dated 31st January, 1903, from the Minister of Railways and Canals, submitting with reference to the construction, at the cost of Canada, of a dam across the channel between Adam's Island, in Canadian territory, and Les Galops Island, in United States territory, in the River St. Lawrence, at the head of the Galops Canal, that in compliance with the request preferred to the United States Government, under authority of an Order in Council of 1st July, 1900, an Act of the United States has been passed and approved on the 18th of June, 1902, consenting to the construction of a dam between the points named, a copy of which Act has duly reached the Department of Railways and Canals through the proper diplomatic channels—"provided that the type of "the proposed dam and the plans of construction and operation thereof, shall "be such as will not, in the judgment of the Secretary of War, materially affect "the water level of Lake Ontario or the River St. Lawrence, or cause any other "injury to the interests of the United States or any citizen thereof." The Act further provides that the work of construction on United States territory shall not be commenced until plans and details of the work have been submitted to, and approved by the Secretary for War.

The Minister further represents that the Chief Engineer of the Department of Railways and Canals has recently visited Washington for the purpose of discussing with the United States authorities the various questions involved, and the Superintending Engineer of the Canal, together with the Secretary of the Department of Railways and Canals, have subsequently interviewed Major Symons of the United States Corps of Engineers, in whose hands has been placed the work of examination into the plans and details of the scheme, in order to report to the Secretary for War, whose approval is required by the authorizing Act quoted.

The Minister observes that as appears by a report made by the Chief Engineer of the Department of Railways and Canals, under date the 31st January, 1903, the conclusions reached in these several interviews and discussions show that there is no anticipation that the water level of Lake Ontario or of the River St. Lawrence would be materially affected, nor that any detriment would be caused to Les Galops Island by the construction of the proposed dam at the point selected.

The Minister recommends, inasmuch, however, as this Island is occupied by a citizen of the United States, whom it would be only fit and proper to compensate in the event of any damage being caused by rise of water or otherwise, and in order to remove any objections that might possibly occur in the final consideration of the plans by the Honourable the Secretary for War for the United States, that he be authorized to give assurance that should it be found that

SESSIONAL PAPER No. 157.

such damage or detriment is caused, and should the Department of Railways and Canals be unable to arrive at any satisfactory settlement with the party or parties owning the portion of the Island affected, the Government of Canada will pay such amount of compensation for the damage that may be done, as may be awarded the owner or occupant, in the proper Court of the United States before whom his claims may be brought.

The Committee submit the same for approval.

RODOLPHE BOUDREAU.

Clerk of the Privy Council.

P. C. 447.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 23rd March, 1903.

On a Report dated 18th March, 1903, from the Minister of Railways and Canals, representing in reference to the matter of the proposed construction of a dam from Adams Island to the St. Lawrence River, belonging to Canada, to Les Galops Island, belong to the United States, whose authorization for the construction of such work so far as it pertains to the United States waters, was directed to be sought by an Order in Council of the 2nd of November, 1900, that the following is the position of the case at the present time:

By an Act of Congress passed on the 18th of June, 1902, authority has been given for the construction of the said work in United States territory, subject, prior to the commencement of the work, to submission to, and approval by, the Secretary of War of plans and details thereof.

Plans and full information of the proposed work have been furnished to the officer of the United States Government appointed to investigate and report on the matter, and full assurance has been given, under authority of an Order in Council dated the 6th February, 1903, on the part of the Canadian Government, that it will pay all due compensation for any damage that may be done to any property on Les Galops Island by reason of the construction of the said dam.

It is understood that the whole matter is now before the authorities at Washington for final decision.

The Minister recommends, in view of the near approach of the season for operations of this nature, that communication be had, through the proper channel, with the Honourable the Secretary of War for the United States, urging consideration of the question and the favour of an early decision on the point.

The Committee advise that the Governor General be moved to forward a copy hereof to His Majesty's Ambassador to the United States.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU.

Clerk of the Privy Council.

Copy.
No. 24.

P. C. 1425 L.

BRITISH EMBASSY,

WASHINGTON, March 28, 1903.

MY LORD,—

I have the honour to acknowledge the receipt of Your Excellency's despatch No. 16 of the 25th instant relative to the proposed construction of a dam across the St. Lawrence River between Adams Island and Les Galops Island.

1-2 GEORGE V., A. 1911.

In accordance with Your Excellency's request I have to-day addressed a note to the Secretary of State of the United States informing him of the compliance of your Government with the conditions of the Act of June 18, 1902, and enquiring whether the Secretary of War has as yet come to any final decision in the matter.

I have, &c.,
(Sgd.) MICHAEL HERBERT.

Copy.

P. C. 1147.

DEPARTMENT OF RAILWAYS AND CANALS,
OTTAWA, July 4, 1903.

To His Excellency the Governor General in Council:

MEMORANDUM.

The undersigned, in connection with the proposed construction by Canada of a dam across the channel between Adam's Island, in Canadian territory, and Les Galops Island, in United States territory, in the River St. Lawrence, at the head of the Galops Canal, has the honour to represent that in pursuance of authority given by Orders in Council of the Canadian Government and of an Act of Congress of the United States, passed on the 18th of June, 1902, plans and details of the work proposed have been submitted, through the officer of the United States appointed for that purpose, for approval of the Honourable the Secretary of War, with whom, under the terms of the said Act of Congress, rests the decision whether the work will "materially effect the water level of "the River St. Lawrence or cause any other injury to the interests of the United "States or any citizen thereof"; further, in order to remove any objections in respect of the causing of damage to the property of American citizens, the undersigned has, in accordance with the authority given him by an Order of Your Excellency in Council, of the 6th of February, 1903, given formal assurance that, in the event of damage or detriment being found to be caused by the raising of water or otherwise to any portion of the Island of Les Galops, the Government of Canada will, failing satisfactory settlement otherwise, pay such compensation for damage as may be awarded by the proper Court of the United States before whom the claim may be brought.

That no final decision has, so far, been received from the United States Government in the matter, though a formal note of enquiry was addressed by Your Excellency on the 25th of March last with a view to expediting a decision.

That there has now been addressed in this Department and received here on the 22nd ultimo, a notice of protest on behalf of the owners of Les Galops Island, a copy of which is hereto attached, in which the ground is taken that no Act of Congress, or permission of the Secretary of War, or guarantee by the Canadian Government in any way binds any property owners of the United States, or destroys their rights to enjoyment of their property; that Les Galops is a part of the State of New York, and that Congress has no right over the lands of that State, either of Eminent Domain or of trespass; that unless some adjustment of the question of damage is made, the owners of Les Galops Island will not permit trespass on their property by the Canadian Engineers.

That the Act of Congress in question enacts as follows: "Be it enacted by "the Senate and House of Representatives of the United States of America in

SESSIONAL PAPER No. 157.

“Congress assembled that consent is hereby given for the construction of the “portion of the aforesaid dam which crosses or abuts upon the territory of “the United States”, such consent, however, being conditioned as above mentioned.

The protest, therefore, sent in by the owners of the Island, appears to challenge the right of Congress to give the sanction which has been (conditionally) granted for the construction of this work.

Whether this is so or not, and whether such challenge, if made, would be effective cannot, in the absence of material for discussing the question, be determined here. The fact, however, remains that, in the present position of the matter, even the approval of the Hon. the Secretary of War to the plans and details of the work would not be sufficient to justify the Canadian Government in proceeding with its execution without further assurance of its right to at least make an absolute connection with Les Galops Island.

The undersigned accordingly recommends that Your Excellency be moved to cause communication to be had with the Government of the United States, conveying to them a copy of the protest from the owners of the Island, urging that action be taken, at as early a date as possible, to implement the action of Congress, in granting consent to the work, in such a way as to enable the Canadian Government to proceed to its desired execution, so soon as plans and details have received sanction from the Honourable the Secretary of War.

Respectfully submitted,

(Sgd.) ANDREW G. BLAIR,
Minister of Railways and Canals.

IN THE MATTER of the application of the Canadian Government for permission to construct a Dam in the St. Lawrence River from Adams' Island to Les Galops Island.

WHEREAS, there has been a formal request by the Canadian Government to the Congress of the United States for permission for the Canadian Government to construct a dam from Adam's Island to Les Galops Island in the St. Lawrence River, and the same is pending before the Secretary of War, Washington, D.C. The owners of Les Galops Island by their attorney, J. L. Carswell, present and file this notice with the Department of Railways and Canals, Ottawa, Ontario.

First: No Act of Congress, or any permission of the Secretary of War, or guarantee filed by the Canadian Government, in any way binds any property owner of the United States or destroys their right to the undisputed possession or enjoyment of their property.

Second: Les Galops Island is a part of St. Lawrence County, State of New York, and Congress has no right over the lands of the State of New York. This, if at all, is vested in the Legislature of New York. There has been no request or permission asked by the Canadian Government, of the State of New York, or granted by the State of New York.

Third: The right of Eminent Domain, or the right of Trespass, to any property owner of New York, is not vested in Congress. The rights of Congress are only those vested in it by the Constitution of the United States, and no powers which are not expressly given it by the constitution are provided for.

Fourth: All damage, detriment and encroachment by reason of this obstruction will be of a permanent nature and serious beyond all question to the owners of Les Galops Island.

1-2 GEORGE V., A. 1911.

Fifth: Unless there is some determination and adjustment of the question of damage to the owners of Les Galops Island by the Canadian Government, the owners of Les Galops Island will not allow any invasion of their property or trespass by the Canadian engineers, but shall at once take legal steps for the protection of their rights against any encroachment of the Canadian Government, according to the laws of the United States and State of New York made and provided.

Respectfully submitted,

J. L. CARSWELL,
330 Walnut Street,
Philadelphia, Pa.,

Attorney for the owners of Les Galops Island, U.S.A.

To the Department of Railways and Canals,
Ottawa, Canada.

Copy.
No. 60.

P. C. 1547 L.

BRITISH EMBASSY,

NEWPORT, R.I., July 11, 1903

MY LORD,—

I have the honour to state that on receipt of Your Excellency's telegram of the 22nd ultimo, Sir Michael Herbert at once addressed a further note marked "Urgent" to the Secretary of State of the United States recalling to his memory the note addressed to him on March 28 relative to the proposed construction of a dam on the St. Lawrence between Adam's Island and Les Galops Island (of which Y. E. was informed in a despatch No. 24 of the same date) and expressing the anxiety of the Canadian Government to learn the decision of the United States Secretary of War on the subject.

I have now the honour to transmit herewith a copy of a personal note from Mr. Hay, from which it appears that the matter will form the subject of an investigation by an Officer of the Corps of Engineers, the result of which will be communicated to the Department of State in due course.

I shall not fail to advise Y. E. of the nature of this Report as soon as it reaches me.

I have, &c.,

(Sgd.) ARTHUR S. RAIKES.

Copy.
Personal.

DEPT. OF STATE,

WASHINGTON, July 9th, 1903.

MY DEAR MR. CHARGE,—

Referring to Sir Michael Herbert's note of March 28th last, requesting to be advised of the decision of the War Dept. in the matter of the construction of a dam in the St. Lawrence River from Adam's Island to Les Galops Island, I have the honour to state that the Secretary of War, in a letter of the 3rd inst., informs me that the papers in the case have been returned to the Chief of Engineers for reference to Major Theodore A. Bingham, Corps of Engineers, for further investigation and report. Major Bingham will be directed by the Chief of Engineers to hold a public hearing after due notice to all interested parties.

SESSIONAL PAPER No. 157.

for the purpose of determining whether or not the type of the proposed dam, and the plans of construction and operation thereof will materially affect the water level of Lake Ontario and the St. Lawrence River or cause any other injury to the interests of the United States or any citizen thereof.

The Secretary of War adds that when the final decision of the Department in the matter is reached, this Department will be duly advised as requested.

I am, &c.,

(Sgd.) JOHN HAY.

Copy.

P. C. 1594 L.

BRITISH EMBASSY,

NEWPORT, R. I., Aug. 20, 1903.

DEAR SIR,—

We have had in our keeping at the Embassy for considerable time past a map of the proposed plans of the St. Lawrence dam.

I believe that this map had ultimately to be returned to Canada.

Could you kindly let me know if we should now forward it.

Believe me, etc.,

(Sgd.) PERCY C. WYNDHAM.

Copy.

No. 72.

FROM MR. RAIKES TO LORD MINTO.

BRITISH EMBASSY,

NEWPORT, R. I., Aug. 20, 1903.

MY LORD,—

With reference to my telegram of yesterday's date I have the honour to transmit to Your Excellency herewith a copy of a Note from the United States Government forwarding the instrument signed by the United States Secretary of War approving, under certain conditions, the proposed construction by the Canadian Government of a dam from Adam's Island in Canadian territory to Les Galops Island in United States territory.

Mr. Root requests that the instrument may be forwarded to Mr. Collingwood Schreiber.

The Acting Secretary of State points out that the delay in the matter resulted from the necessary investigation by the Engineer authorities of a protest filed with the War Department against the construction of the dam.

I have, &c.,

(Sgd.) ARTHUR S. RAIKES.

Copy.

No. 183.

SECRETARY OF STATE,

WASHINGTON, August 19th, 1903.

SIR,—

Referring to previous correspondence in the matter of the proposed construction by the Canadian Government of a dam from Adam's Island, in Canadian territory, to Les Galops Island, in United States territory, I have the honour to enclose, by way of confirmation, a copy of my telegram to you (X) of this day's

1-2 GEORGE V., A. 1911.

date advising you of the approval by the Secretary of War of the plans and details for such construction, subject to certain conditions set forth in the instrument of approval herewith enclosed.

The action of the Secretary of War is taken pursuant to the provisions of the Act approved June 18, 1902, quoted in the instrument, and upon assurances and statements filed with the War Department from Mr. L. K. Jones, and Mr. Andrew G. Blair, Minister of Railways and Canals in Canada.

In his transmitting letter Mr. Root requests that the instrument be forwarded to Mr. Collingwood Schreiber, Deputy Minister and Chief Engineer of Railways and Canals of Canada, who formally presented the application with a letter of introduction from Ambassador Herbert.

Adding that the delay in the matter resulted from the necessary investigation by the engineer authorities of a protest filed with the War Department against the construction of the dam.

I have, etc.,

(Sgd.) ALVEY A. ADEE,
Acting Secretary.

(X) not enclosed.

P. C. 1410.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 22nd August, 1903.

On a Memorandum dated 14th August, 1903, from the Acting Minister of Railways and Canals representing, with reference to the matter of the proposed construction of a dam between Adam's Island, in Canadian territory, and Les Galops Island, in the territory of the United States, in the River St. Lawrence, as to which, under instructions from the United States Department of State, a public hearing has taken place at Ogdensburg, on the 11th August, 1903, for the purpose of determining whether or not the water level of Lake Ontario and of the River would be materially affected or the interests of the United States, or of any citizens thereof, injured, that it is understood that such hearing has now been closed.

The Committee, in view of the importance of early action if the work is to be proceeded with, advise that the Governor General be moved to forward a copy of this Minute to His Majesty's Ambassador to the United States for communication to the United States Government, urging that intimation of the decision that that Government may reach in the matter be given at the earliest possible date convenient to them.

All of which is respectfully submitted for approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

P. C. 1589 L.

DEPARTMENT OF RAILWAYS AND CANALS, CANADA,
OTTAWA, August 24, 1903.

The undersigned has the honour to acknowledge the receipt, on the 20th instant, of a copy of a telegram, dated the 19th instant, from the British Ambassador to the United States, intimating that an instrument has been signed

SESSIONAL PAPER No. 157.

by the Hon. the Secretary of State for War, approving the plans for the proposed dam between Adam's Island and Les Galops Island, in the River St. Lawrence.

(Sgd.) W. S. FIELDING,
Acting Minister of Railways and Canals.

John J. McGee, Esq.,
Clerk, Privy Council,
Ottawa.

*Copy
Telegram.*

P. C. 1589 L.

FROM MR. RAIKES TO LORD MINTO.

NEWPORT, R.I., 19th August, 1903.

Your telegram of August 15th, I have just received telegram of Acting Secretary of State informing me he has received from Secretary of State for War instrument approving plans and details for construction of dam by Canadian Government from Adams Island to Les Galops Island subject to conditions. Instrument containing these conditions has been posted to me to-day, and I hope to be able to forward it to Your Excellency to-morrow evening.

(Sgd.) RAIKES.

P. C. 1512.

Certified copy of a Report of the Committee of the Privy Council, approved by His Excellency the Governor General on the 4th September, 1903.

On a Memorandum dated 27th August, 1903, from the Acting Minister of Railways and Canals, representing that, as the result of the application made by the Canadian Government to the United States Government for permission to build a dam from Adam's Island, in Canada, to Les Galops Island, in United States territory, in the River St. Lawrence, and the investigation into the matter conducted by an officer of that Government, a formal approval of the plans of the said proposed dam has been given, under date the 18th August, 1903, by the Honourable the Secretary of War of the United States, on the following conditions:

“1. That if, after said dam has been constructed, it is found that it materially affects the water levels of Lake Ontario, or the St. Lawrence River, or causes any injury to the interests of the United States, the Government of Canada shall make such changes therein, and provide such additional regulation works in connection therewith as the Secretary of War may order.

“2. That if the construction and operation of the said dam shall cause damage or detriment to the property owners of Les Galops Island, or to the property of any other citizens of the United States, the Government of Canada shall pay such amount of compensation as may be agreed upon between the said Government and the parties damaged, or as may be awarded the said parties in the proper court of the United States before which claims for damage may be brought.”

The Minister further represents that the said Galops Island is owned by one Alvin Dawson, and in order to the avoidance of delay and to facilitate oper-

1-2 GEORGE V., A. 1911.

ations for this work by securing the necessary area of land required on this Island in connection with the dam, an agreement was made with him under which he has agreed to sell about one acre of land at such point, at the north-west corner of the said Les Galops Island, where it may be determined to locate the dam, and, further, to release forever all claims for damages that may result to his Island property through the erection of the said dam, for the sum of \$4,000.00.

The Minister recommends that authority be given for carrying out this agreement by the purchase of the said area of land; payment to be made only on the receipt of a proper deed of conveyance and release, to be obtained as usual through the Department of Justice.

The Committee advise that the requisite authority be granted.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

P. C. 2693.

OTTAWA, 2nd December, 1907.

SIR,—

I have the honour, by the direction of the Right Honourable Sir Wilfrid Laurier, to acknowledge receipt of a copy of a memorial addressed by the Council of the Montreal Board of Trade to the Canadian Section of the International Waterways Commission with regard to the proposal to entirely dam the River St. Lawrence, in the vicinity of Cornwall, and to state that the same will receive due consideration.

I have the honour to be,
Sir,

Your most obedient servant,

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

George Hadrill, Esq.,
Secy. Montreal Board of Trade,
Montreal.

P. C. 2693.

THE MONTREAL BOARD OF TRADE,
MONTREAL, 30th November, 1907.

The Right Honourable SIR WILFRID LAURIER, G.C.M.G.,
Premier, Ottawa.

SIR,—

I have the honour by direction of the Council of this Board to enclose for your information copy of a Memorial which has been addressed to the Canadian Section of the International Waterways Commission with regard to the proposal to entirely dam the River St. Lawrence in the vicinity of Cornwall, which scheme the Council trusts may never be favoured by the Government.

I have the honour to be,
Sir,

Your obedient servant,

(Sgd.) GEO. HADRILL,
Secretary.

SESSIONAL PAPER No. 157.

THE MONTREAL BOARD OF TRADE,
MONTREAL.

To the CANADIAN SECTION OF THE
INTERNATIONAL WATERWAYS COMMISSION.

The Memorial of the Council of the Montreal Board of Trade humbly sheweth:—

That your Memorialists are greatly concerned with regard to the proposed works of the St. Lawrence Power Company and of the Long Sault Development Company, which works would involve the entire damming of the St. Lawrence River in the vicinity of Cornwall,—

That no matter what advantages in the shape of power and light may accrue, as the results of those works, to towns, corporations or individuals on either side of the River, your Memorialists contend that the interests of navigation are paramount and that they should not be sacrificed for any clause whatever,—

That the navigable channel of the River is at the present time in Canadian waters and that the only canal (the Cornwall Canal) is in Canadian territory, the United States having neither canal or navigable channel,—

That under the proposed scheme Canada would lose entirely her navigable channel while the United States would gain the great advantage of a canal in its own territory, and your Memorialists submit that this fact alone should prevent any and all Canadians from in any way favouring the scheme,—

That whatever minor benefits may accrue to Canadian interests by the construction of the proposed works, your Memorialists fear that the scheme is really in the interests of the Pittsburg Reduction Company, whose power plant at Messena would be enormously advantaged by the increased head of water the proposed dams would give,—

That in the case of a mighty River like the St. Lawrence it is difficult, if not impossible, for engineers to forecast the actual effect of entirely damming its swift flowing waters, and that there is a general conviction among the riverside population above Cornwall that the proposed works would cause such an overflow into the surrounding country as would involve damage to the extent of many millions of dollars, and your Memorialists believe that they would also render useless some existing water powers in that vicinity,—

That the proposed damming of the River channels would of course prevent all boats from shooting the Long Sault Rapids, the finest rapids in the river, and that the delay which the passage through the canal would cause would render it impossible for boats to travel through the Thousand Islands by daylight and reach Montreal the same evening, and thus two of the chief attractions for passenger travel on the St. Lawrence trip would not be available, with the result that the country would lose the large tourist traffic which is a source of profit to the river steamers and to the places visited,—

That while promoters of the scheme claim that the interests of commercial navigation would not suffer were it adopted, as cargo boats do not run the Rapids, the rafting business seems to have been ignored in this connection,—

That it is estimated that the rafts that pass down the River each season contain over three hundred cribs of timber and that were these cribs forced to pass through a canal instead of shooting the rapids much time would be lost and they would, moreover, by blocking the canal, seriously interfere with other traffic,—

That Canada has in the St. Lawrence waterway a wonderful avenue of transportation from the interior of the Continent to the sea, which serves not only

1-2 GEORGE V., A. 1911.

to carry at a very low rate the commerce of our own country but also that of a large section of the United States, and that your Memorialists respectfully express their conviction that it is the duty of the Canadian Section of the International Waterways Commission, and indeed of all Canadians, to see that nothing be done which might in any way interfere with the navigation thereof.

Signed on behalf of the Council of the Montreal Board of Trade.

GEORGE CAVERHILL,
President.

GEORGE HADRILL,
Secretary.

MONTREAL, 28th November, 1907.

P. C. 2787.

OTTAWA, December 21st, 1908.

To His Excellency the Governor General in Council.

The undersigned has the honour to submit for the information of Your Excellency, a joint report of the Chief Engineer of the Department of Public Works, the Chief Engineer of the Department of Railways and Canals and the Chief Engineer of the Department of Marine and Fishries, upon the application of the St. Lawrence Power Company, Limited, to Your Excellency for permission to erect certain works on the St. Lawrence River.

Respectfully submitted,

(Sgd.) WILLIAM PUGSLEY,
Minister of Public Works.

P. C. 2787.

DEPARTMENT OF PUBLIC WORKS OF CANADA,
CHIEF ENGINEER'S OFFICE,

OTTAWA, December 15th, 1908.

SIR,—

We have the honour to report in regard to the petition of the St. Lawrence Power Company, Limited, to His Excellency the Governor General in Council, for permission to erect certain dams on the St. Lawrence River, as follows:—

No detail plans are before us and our report is predicated upon the information submitted.

First: A rough computation shows that it is possible to develop, approximately, 800,000 effective horse-power by the proposed dams; and that the creation of such an enormous quantity of power would be of great importance to the district in question, as experience has shewn that in the proximity of such large developments of power great industries are created; towns and cities grow up. The objections which arise, however, are somewhat serious: First, the plans as submitted contemplate interfering with the present Cornwall Canal; and this we take it, cannot be tolerated. The integrity of the Cornwall Canal must be preserved, without any alteration whatever; and, consequently, the plans submitted would have to be modified so as to preserve intact this most important navigation channel. It is true that the Company contemplate the building of a separate lock above lock 20 to enter into the proposed new level, but such a

SESSIONAL PAPER No. 157.

lock requires navigation to pass along parallel with an over-flow weir dam which necessarily must take care of the great bulk of the discharge of the river; in consequence thereof the side currents would be so great as to render navigation exceedingly dangerous. Furthermore, an accident to any of the dams would throw the whole system of navigation out of gear for a long time.

Second: The plans contemplate a single lift lock on the American side, in the south channel, to take the place of the Cornwall Canal. The channel from this proposed lock to the foot of Cornwall Island has such a swift current and is so crooked as to render such a route dangerous; and it is not, therefore, in our opinion, a suitably located lock, having regard to the difficulties named. It does not seem needful at this stage to point out a more suitable site where a lock might be had, and where the difficulties of navigation would be lessened.

Third: The upper dam provided for in the proposed plans, running from Long Sault Island to the upper end of Barnhart Island, is practically parallel with the thread of the stream, and is intended to be an overflow weir, with ten stoney sluices at each end of it. There can be no doubt whatever that this dam will, of necessity, have to take care of the regulation of the level of the river above it. The lower dam at the easterly end, which is in the form of the letter "A", connecting the mainland on the Ontario side with the lower end of Barnhart Island, would not, in our opinion, be of material assistance for regulation.

Every advantage has been taken of the natural channels for the purpose of providing an economical development of the power, practically closing up the entire Canadian channel by this means and throwing the whole of the discharge into the American channel on the south of Barnhart Island, the water to the north of Barnhart Island being thrown into a pool.

The discharge over the upper dam in conjunction with the stoney sluices would be of such volume, and the cross current so great as to make it risky for a steamer to attempt to pass parallel with this dam through the channel south of Shiek Island.

Fourth: The effect of ice and frazil on the up-stream end of the river is one upon which it would be most difficult to express any decided opinion. There is no doubt that frazil forms in the Galops Rapids, and the Rapids Plat, and that a large mass of more or less broken ice floats down the river continuously. The channel in the vicinity of Brockville is usually kept open for the ferry; but after the dam in question has been built a field of board ice would be formed above its crest, and it will be difficult to say where the small cakes of ice, frazil, and anchor ice would go, if it did not fill up the space above the dam. The report of the Montreal Flood Commission of 1889 states that on the 8th of April two or three feet of board ice and from ten to twenty-four feet of frazil were found; that between the Lachine Rapids and Varennes, in March, 1887, a distance of 20 miles, there were 99,216,000 cubic yards of field ice, and 252,601,000 cubic yards of frazil, and water amounting to 467,212,000 cubic yards, or a total of 819,029,000 cubic yards; which gives some little idea of the relative proportions.

The conditions for the creation of frazil were greater in the district just above described than in the one we are considering. Nevertheless, there is ample opportunity for the creation of great quantities of frazil and broken fragments of solid ice at the points named, so that the up-stream effect likely to be created is something that no one could very well predict, but would, no doubt, be approximately similar to that found by the Commission, with resulting damage at the foot of the Rapide Plat and the Galops.

1-2 GEORGE V., A. 1911.

Fifth: The Richelieu and Ontario Navigation Company run a daily line of steamers from Kingston to Montreal, and do a fairly large tourist business, which, we understand, is increasing. One of the features of the trip is running the Long Sault Rapids, which, of course, would be destroyed by the proposed dam. Aside from this we question if a boat could make a trip from Kingston to Montreal, in a day, provided she had to be locked through the Cornwall Canal or the proposed lock on the American side. Strenuous objections have been raised by the interests in question against the project.

Sixth: The possible destruction of the proposed dam by natural forces, or by the malice of any evil-intentioned person. (an earthquake might be the means of destroying the dam) certainly a very few pounds of dynamite in the hands of an intelligent man would be most disastrous. The volume of water which the dam would contain would be sufficiently great, if liberated in the form of a wave, to at any rate destroy the greater portion of the town of Cornwall; certainly the Canal, or that portion of it below the dam; and, without doubt, the means of flooding Lake St. Francis and a large section of the land on the river bank protected by the Hungry Bay dyke; besides unquestionably the Soulanges Canal, as well as the villages fronting the river between Lake St. Francis and Lake St. Louis. Whether the effect of such a sudden break would be taken care of in Lake St. Francis and Lake St. Louis is a question. Experience had on a very much smaller scale would lead one to expect that the damage would be continued on through the lower portion of Montreal, with the possible destruction of the Lachine Canal as well.

Seventh: The plans show a very small percentage of development on the Canadian side; we should judge that over eighty per cent. (80%) is contemplated to be developed in the United States; and of course this would be a very unfair distribution of the power in question. In any event, should the project receive consideration, considerable revision of the plans would have to be made, so as to secure a more equitable division of the power development.

Eighth: A vital point in connection with the whole scheme would be that all the plans of the dams, locks, etc., on the proposed works must be approved in advance by Engineers responsible to Canada and the United States, respectively, and upon which they must agree; the detail of the works in question should be passed upon by the joint approval of Engineers from both countries. Whether this is a practical thing to secure we are unable to say, but it is obvious that the interests of Canada are such that no portion of the work in question could be allowed to be gone on with unless it received a most strict examination and inspection by Engineers acting for this country. No doubt, the United States authorities would take a similar attitude with regard to the question, although their interests are trivial compared with ours, on account of the fact that they have so little land on the St. Lawrence below the power in question.

Ninth: No private corporation should be permitted to have under its control the regulation of the height of water in such an important River as the St. Lawrence.

We are, Sir,

Your obedient servants,

(Sgd.) EUGENE D. LAFLEUR,
Chief Engineer, Department of Public Works, Can.

(Sgd.) M. J. BUTLER,
Chief Engineer, Department of Railways and Canals.

(Sgd.) WM. P. ANDERSON,
Chief Engineer, Department of Marine and Fisheries.

SESSIONAL PAPER No. 157.

INDEX

| | Page |
|---|------|
| Preliminary | 1 |
| Map Showing General Location of Proposed Works | 2 |
| Dams | 3 |
| Canadian Power House | 3 |
| South Sault Power House and Lock | 3 |
| Power House on Barnhart Island | 3 |
| Controlling Works | 3 |
| Stability of Structures | 4 |
| Miscellaneous Construction | 4 |
| Government Approval and Inspection | 4 |
| Future Water Levels | 4 |
| Cornwall Canal Conditions | 4 |
| Conditions Above the Proposed Dams | 5 |
| Scenic Beauty of the River to be Preserved | 5 |
| Effect of Proposed Works on Transportation Companies and the General Public | 6 |
| Contour Surveys Along the River | 6 |
| Improvement in Ice Conditions at Cornwall | 7 |
| Improvement in Ice Conditions Above the Dams | 8 |

SUMMARY:—

| | |
|---|---|
| I Advantages to the General Public | 8 |
| II Improvement of Navigation | 8 |
| III Improvement in Ice Conditions | 9 |
| IV Cornwall Canal Conditions | 9 |
| Formal Request for Permission to Construct the Proposed Works | 9 |

AMENDED PETITION

OF THE

ST. LAWRENCE POWER COMPANY,
LIMITED

TO

His Excellency, The Governor-General
of Canada, in Council.

FOR PERMISSION

To Erect the Structures Herein Described Near the
Town of Mille Roches, Ontario.

HUMBLY SHEWETH:—

December 12th, 1907, there was submitted to His Excellency, The Governor General of Canada, in Council, a Petition requesting permission to erect a dam, power house and works appurtenant thereto in the St. Lawrence River, near lock 20 in the Cornwall Canal. Your Petitioners having improved their plans desire to submit a Petition amended accordingly.

PRELIMINARY.

The St. Lawrence Power Co., Limited, owns the power development at the foot of Sheek Island near Mille Roches, Ontario. It takes water from the Cornwall Canal on the north side of Sheek Island, and furnishes electric power and lights for the Cornwall Canal and for Cornwall, Moulinette, Mille Roches and Wales.

The fall in the St. Lawrence River adjacent to the plant of the St. Lawrence Power Co., Limited, would, theoretically, furnish a substantial amount of power. The present owners of this Company secured possession believing that this theoretical power could be developed, at a reasonable cost, so as to materially increase the capacity of the existing plant. Investigation has shown that without the co-operation of the riparian owners on the opposite

SESSIONAL PAPER No. 157.

American shore, the St. Lawrence Power Co., Limited, can develop this power only to a very slight extent.

The capacity of the existing plant is limited to about 3,000 continuous horse-power and 2,300 intermittent horse-power available only a portion of the year. This continuous power could perhaps be increased to 6,000 horse-power, but this is the maximum amount that can be commercially developed entirely in Canada and without the co-operation of American interests. There is no other suitable site, adjacent to the Long Sault, that the St. Lawrence Power Co., Limited, could use for independently developing additional power.

The Long Sault Development Co., a New York State corporation, is empowered by its charter to construct dams, power houses, locks and works appurtenant thereto in the St. Lawrence River, so far as these works will be in American territory, and is therefore in a position to utilize the fall in the St. Lawrence River above mentioned.

The St. Lawrence Power Co., Limited, by co-operation with the Long Sault Development Co., in developing the power of the Long Sault, will be able to supply in Canadian territory a large amount of power, and only by such co-operation between these two companies can the full potentiality of the river be made available. Such development is in conformity with the fundamental principles of the conservation of natural resources.

A general outline of the plan is as follows:—

MAP SHOWING GENERAL LOCATION OF PROPOSED WORKS.

The map bound in the back of this Petition shows Long Sault, Sheek and Barnhart Islands, the Cornwall Canal, and the location of the International Boundary with respect to the main channel on the St. Lawrence River. This main channel is in International waters on the north side of Long Sault Island; but, a short distance below the rapids which are principally between Long Sault and Sheek Islands, it lies south of Barnhart Island and entirely within American territory. About 95 per cent. of the volume of water in the St. Lawrence River flows in this main channel south of Barnhart Island; the other 5 per cent. flows through Little River and through the Cornwall Canal. Little River forms the International channel between Barnhart and Sheek Islands. The location of the proposed dams, power houses, canals and new lock is also shown.

DAMS.

A dam, for convenience called the "Upper Dam", is proposed between the western end of Barnhart Island and the eastern end of Long Sault Island; at each end of this dam next to the shores, there will be located a number of large sluice gates, the combined discharge of which will be about 100,000 second feet, or 40 per cent. of the average flow of water in the river.

Another dam, called the "Lower Dam", is proposed between the easterly end of Barnhart Island and the Canadian shore; it will lie on both sides of the International Boundary.

It is proposed to construct both dams of solid concrete masonry and of the gravity type.

CANADIAN POWER HOUSE.

At the north-easterly end of the Lower Dam it is proposed to construct a large power house, between the dam and the Canadian shore near lock 20. This power house will be entirely in Canadian territory, and will be large enough to utilize all of the water that will be made available at this point by the construction of the dams.

1-2 GEORGE V., A. 1911.

SOUTH SAULT POWER HOUSE AND LOCK.

The Long Sault Development Co. proposes to construct a power house and lock across the South Sault Channel, between the foot of Long Sault Island and the main short. The use of this lock will save approximately $4\frac{1}{2}$ hours time on each round trip of the boats which now use the Cornwall Canal.

POWER HOUSE ON BARNHART ISLAND.

At the eastern end of Barnhart Island it is proposed to construct one, or possibly two, power houses, and to excavate a head race leading from the forebay immediately above the Lower Dam to these power houses.

CONTROLLING WORKS.

In addition to the sluice gates at the Upper Dam there will be constructed at each of the power houses a number of large sluice gates to control the water level above the dams. These gates will be from 35 to 50 feet wide with about 15 feet depth of water on the sills; they will be so constructed that they can be operated throughout the entire year.

STABILITY OF STRUCTURES.

The financial success of this entire development, costing many millions of dollars, will be contingent upon the stability of all dams, power houses and controlling works. Any failure of these structures would cause great financial loss to the owners; consequently as a matter of self-protection and insurance, unusually high factors of safety will be adopted throughout, so that they will be safe beyond question. The nature of the river channel is such that no loss of life or damage to property would follow failure of the dams.

Examinations and borings with diamond-and-churn-drills, have shown that all important masonry structures will rest on a solid bed of limestone.

The bed of limestone will afford unquestionable foundations and ample expenditure of money will secure unusual stability and absolute safety of the proposed structures; the entire scheme, as an engineering proposition, has been submitted to and approved by Engineers who were selected not only by reason of their eminence but also by reason of their special and long experience with such problems.

MISCELLANEOUS CONSTRUCTION.

The width of Little River channel will be increased to about 1,000 feet to provide a straight, wide and deep channel for conveying water to the power houses near the Lower Dam.

Earthen dikes will be constructed on the south side of the Cornwall Canal, between locks 20 and 21, as may be required by Your Excellency in Council.

All changes to locks 20 and 21 made necessary by the construction of the proposed dams will be made free of cost to the Government.

GOVERNMENT APPROVAL AND INSPECTION.

It is proposed to have the Engineering Departments of both the Canadian and United States Governments approve the plans and, if desired, inspect the construction of the works that are to be built in their respective countries.

FUTURE WATER LEVELS.

It is proposed to raise the level of the river above the dams to such elevation as may be arranged and agreed upon and approved by Your Excellency in Council.

SESSIONAL PAPER No. 157.

CORNWALL CANAL CONDITIONS.

The Cornwall Canal is $11\frac{1}{2}$ miles in length, of which over 5 miles are formed by earth embankments; between locks 20 and 21 there are over $2\frac{1}{2}$ miles of these embankments which in places are subjected to over 35 feet head of water. When the proposed dams are built and the water in the river above them is raised to the proposed level, the present unbalanced pressure on the canal banks, between locks 20 and 21, will be practically eliminated, and all danger of a washout in this section of the canal will be removed. Below lock 20 the conditions will remain unchanged. The construction of the proposed works will reduce the present risk of a washout in the entire canal at least 50 per cent.; this result could only be obtained by the expenditure of many hundred thousand dollars by the Government.

The break in the canal bank, near lock 18, which occurred June 23, 1908, blocked all navigation in the Cornwall Canal for 17 days. Had the South Sault lock been in operation at that time no delay whatever would have been caused by this washout, since all boats could have used the South Sault lock pending the repairs to the canal bank.

CONDITIONS ABOVE THE PROPOSED DAMS.

Careful surveys show that there is a surface fall varying from 12 to 14 feet in the St. Lawrence river between Morrisburg and lock 21.

When the water above the dams is raised to the proposed level, the great surface fall in the river between Morrisburg and lock 21 will prevent the main backwater rise from extending far above this lock. The river banks above the dam are so steep that the slight backwater rise will flood only a narrow strip averaging about 20 feet wide, and in many places less than five feet wide.

SCENIC BEAUTY OF THE RIVER TO BE PRESERVED.

The scenic beauty of the river above lock 21 will not be affected. Below the dams, the river scenery will remain practically unaltered. The only scenic change will be the replacement of the present rapids by long overflow dams; the water will pass over the crests of these dams in two unbroken sheets with a combined length of one and one-half miles, and a height of approximately forty feet, nearly one-fourth that of Niagara Falls, a sight equal in grandeur to that of the Long Sault and one which is unique in all the world.

Under the present conditions the Long Sault is seen by tourists during the short Summer season of about four months, and then only for a very few minutes as they pass rapidly in a boat. Under the proposed conditions the scenery adjacent to the dams may be enjoyed by tourists throughout the year.

EFFECT OF PROPOSED WORKS ON TRANSPORTATION COMPANIES AND THE GENERAL PUBLIC.

The Long Sault is navigated by a single line of passenger boats; these boats make a daily trip down-stream during the summer tourist season June to September, inclusive. No rafts or freight steamers use the main channel on the north side of the eastern end of Long Sault Island, and no boats whatever can go up this channel. At a public hearing in Montreal Nov. 6th, 1907, objection was raised to the construction of the proposed dams on the ground that the obliteration of these rapids would greatly decrease the number of tourist passengers.

1-2 GEORGE V., A. 1911.

The construction of the proposed dams will afford the opportunity for tourists to pass through the highest lift masonry lock in the world and to see the two longest spillway dams that have ever been built, with water several feet deep passing over the crest and falling about forty feet; such attractions will more than offset a trip through the Long Sault, which is generally conceded to be less picturesque and thrilling than the Coteau Rapids, the Cedars, the Split Rock, the Cascades and Lachine Rapids, which are successively passed between this point and Montreal.

Passenger steamers will meet a delay of only about 30 minutes by using the South Sault lock as compared to shooting the Long Sault. On the west bound trip they will save at least two hours time as compared to passage through the Cornwall canal, so that on a round trip they will save about 1½ hours time under the proposed conditions.

Freight steamers will be able to save at least 4½ hours time on each round trip by using the South Sault lock.

The power from the proposed works will be used principally by factories and industries yet to be established within the radius of transmission of electricity from the power houses. Raw materials will be delivered to the factories from distant sources of supply and the finished products will be sent to the world's markets; the construction of the proposed works will greatly increase the revenue of the boat-and-rail-transportation companies.

New industries and factories, contingent upon the development of the Long Sault, will give employment to thousands of persons and in one way or another all communities, using power from the proposed works, as well as the general public, will be substantially benefited thereby.

The construction of the proposed works will require the expenditure in Canada of over \$5,000,000, which will be distributed among Canadian transportation companies, manufacturers, tradesmen and workmen.

CONTOUR SURVEYS ALONG THE RIVER.

The Engineers of the St. Lawrence Power Co., Limited, have completed accurate surveys of the entire river from the eastern end of Barnhart Island to Waddington, a distance of about 23 miles. These surveys show all the contours, at 2½ foot intervals, also the property lines on the Islands and the main shores, to a point above Croil Island; between this latter point and Waddington the contours and property lines were surveyed to Elevation 215, sea level datum. These maps, so far as they have been worked up, are submitted herewith on Plans Numbers 2, 3 and 4; from them can be determined all questions that will be involved when the river is raised to the proposed level. These surveys cover over ninety square miles of territory and required the services of about 65 men for a period of nearly eight months.

The St. Lawrence Power Co., Limited, has acquired much land and many riparian rights that will be affected by the proposed changes, and negotiations are under way for securing the remainder.

The Long Sault Development Co., on the American side, has acquired practically all of Barnhart Island and the eastern half of Long Sault Island together with riparian rights around the western end of the island, also nearly 2,000 acres of land on the main shore, extending from a point opposite the eastern end of Barnhart Island, upstream to the Massena Canal, a distance of about 8 miles. Both Companies are acquiring land on their respective sides of the river to Elevation 215, sea level datum, which will be well above the future river level; they are also securing riparian rights along the streams that

SESSIONAL PAPER No. 157.

flow into the St. Lawrence river, where there is any possibility of riparian damage being caused.

Mention of the above is made to illustrate to what extent the two Companies have gone thus far in the line of preparing plans, acquiring property, riparian rights, etc., in connection with the proposed development, and to show that they are proposing a bona fide power development, and are not seeking to secure a franchise to sell to others at a profit.

IMPROVEMENT IN ICE CONDITIONS AT CORNWALL.

The greater part of the frazil-ice in the section of the river above Cornwall is formed in the swift open stretches of water above the Long Sault and in the rapids themselves. The construction of the proposed dams will reduce the velocity of the river above them; the Long Sault will be entirely obliterated and there will be a great reduction in the amount of frazil-ice that will be formed.

Under existing conditions the enormous masses of frazil-ice that are formed in and above the rapids, pass down stream to the quiet water at the head of Lake St. Francis; here they form hanging dams on the under side of the sheet-ice on the lake. Every winter these hanging dams create a flood of backwater that rises from 15 to 30 feet above the normal summer level of the water in the river endangering the town of Cornwall. In the year 1887 the backwater extended as far as Fifth street, so that practically two-thirds of the town was flooded.

The danger of winter flood and backwater at Cornwall will not be entirely removed by the proposed dams, but the danger arising from the annual ice jam will be very much lessened, a point of vital importance to the people of Cornwall.

IMPROVEMENT IN ICE CONDITIONS ABOVE THE DAMS.

In previous years, notably 1887 and 1905, large ice jams formed at critical points in the river channel opposite Farrans Point and also on the south side of Croil Island. The backwater caused by these jams extended up-stream as far as Morrisburg. After the proposed dams are constructed a fleet of ice breaking boats will be operated to keep these critical points free from congestion, and thus prevent a repetition of these floods.

SUMMARY.

I. ADVANTAGES TO THE GENERAL PUBLIC.

- (A) The construction of these works in Canada will afford abundant, reliable and cheap power to all districts within the radius of transmission of electricity from the power houses.
- (B) The furnishing of cheap power will create many new industries and will be of great advantage to those already established.
- (C) The construction of the proposed dams and power house will require the expenditure in Canada of over \$5,000,000, which will be distributed among the Canadian transportation companies, manufacturers, tradesmen and workmen. It is impossible to estimate the amount which will be expended in Canada directly or indirectly consequent upon the utilization of this power, but the amount required for the construction of the works, installation of transmission lines, etc., will run into many millions of dollars.

1-2 GEORGE V., A. 1911.

- (D) The power from the entire development will be used almost exclusively for manufacturing purposes and the products must be distributed by boat or rail; this will mean increased revenue to the transportation companies for all future time.

II. IMPROVEMENT OF NAVIGATION.

- (A) Navigation will be very much improved. The present practically impassable rapids will be eliminated, and in their place will be a broad and safe stream. The velocity of the current in the Farrans Point and the big Sny channels will be substantially lessened.
- (B) The South Sault lock will duplicate the means now afforded by the Cornwall Canal for navigation past the Long Sault and will postpone the time when the Cornwall Canal must be enlarged at great expense to the Canadian Government.
- (C) The duplication of navigation facilities past the Long Sault will insure shipping interests against delay due to failure or accident in either the Cornwall Canal or the South Sault lock.
- (D) The construction of these works will enable boats passing the Long Sault to make a round trip in approximately $4\frac{1}{2}$ hours less time than at present.
- (E) The South Sault lock will be operated seven days per week during the navigation season, and like the Cornwall Canal will be toll free.

III. IMPROVEMENT IN ICE CONDITIONS.

- (A) Ice conditions below the dams will be much improved, thus reducing the danger from the annual ice gorges and floods at Cornwall.
- (B) The river above the dams will be kept free from ice jams so that a repetition of the floods of 1887 and 1905 will not occur again.

IV. CORNWALL CANAL CONDITIONS.

- (A) The proposed development will be made, preserving the integrity and utility of the Cornwall Canal.
- (B) The proposed development is so planned that traffic in the Cornwall Canal will not be affected by the development in any way whatsoever. The Cornwall Canal will remain unchanged and will be open to traffic both during the construction period and forever thereafter.
- (C) When the water above the dams is raised to the proposed level, all danger of a washout of canal banks between locks 20 and 21 will be entirely and permanently removed.

FORMAL REQUEST FOR PERMISSION TO CONSTRUCT THE PROPOSED WORKS.

The St. Lawrence Power Co., Limited, asks permission as follows:—

(A) To construct a dam extending from a point near the Canadian shore, opposite lock 20 in the Cornwall Canal, to the International Boundary, there to join a dam to be constructed, in American territory, in connection with the proposed works.

(B) To construct a power house, between the north-easterly end of said dam and the Canadian shore.

(C) To strengthen the dikes on the south side of the Cornwall Canal between locks 20 and 21, and to make such changes to these locks as may be required, free of cost to the Government.

SESSIONAL PAPER No. 157.

(D) To enlarge Little River channel on the Canadian side of the International Boundary, and to raise and maintain the river level above the dams at the elevation agreed upon and approved by Your Excellency in Council.

(E) To construct, maintain, operate and amplify the said dams, power houses, dikes, channels, water levels and other works necessary and appurtenant to the proposed complete development, subject to the approval of Your Excellency in Council.

And your Petitioners as in duty bound will ever pray.

Respectfully submitted,

ST. LAWRENCE POWER COMPANY, LIMITED.

GEORGE G. FOSTER,
President.

MONTREAL, January 13th, 1909.

P. C. 2409.

OTTAWA, 10th December, 1909.

To the RIGHT HONOURABLE,
THE PRESIDENT OF THE COUNCIL.

The undersigned, with reference to copy of Memorial of the Cornwall Board of Trade to His Excellency, in regard to obtaining cheap and ample electric power, has the honour to report that the Memorial alluded to has been filed for reference in the Department of Marine and Fisheries, for consideration whenever the project referred to in the Memorial is again before the undersigned.

Respectfully submitted,

(Sgd.) L. P. BRODEUR,
Minister of Marine and Fisheries.

P. C. 2409.

MEMORIAL OF THE CORNWALL BOARD OF TRADE

TO

HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

The Board of Trade of Cornwall duly incorporated comprises the principal firms doing business in Cornwall and vicinity.

As a town, Cornwall being a manufacturing town, is at great disadvantage compared to other towns where cheap and reliable electric power can be obtained in large quantities. And, although power is developed in a measure from the Cornwall Canal, yet the amount is exceedingly small; and no further power can be obtained from that source; at times in the winter the back water in the St. Lawrence reduces it to almost nil.

We require cheap and ample electric power to enable us to compete with other towns electrically supplied, and also to attract new industries to Cornwall.

We have examined the plans of the St. Lawrence Power Company, Limited, for damming the St. Lawrence and developing large amounts of power for distribution in this vicinity, and their proposition meets with our hearty approval for the following reasons, *to wit:*

1-2 GEORGE V., A. 1911.

I. The Long Sault will furnish practically unlimited power, and the Power Company's plans provide for the ultimate development of this power. This will insure to us cheap rates and ample power to meet all existing and future demands.

II. Cheap power will enable us to compete with other Ontario towns now so supplied and will also attract new industries who desire to come to Cornwall and vicinity.

III. The construction of the dams, power houses, etc., will require enormous sums of money to be distributed in Cornwall for supplies, labour, etc., and after the works are completed they will give permanent employment to thousands of people.

IV. The ice conditions in the river will be materially improved by lessening the amount of frazil ice now formed in the Rapids every winter. The ice floods are a great menace to our town.

V. The new lock to be built in the South Sault Channel will insure against delay by a break in the Cornwall Canal, such as occurred June 23, 1908, when all through traffic was blockaded for over two weeks. This new lock will enable through boats to save several hours time on a round trip, and yet the Cornwall Canal will remain unchanged; it can always be used under future conditions the same as it is at present.

VI. Some opposition to this power proposition has been made on the ground of the destruction of the scenic beauty of the Long Sault. Living as we do in the immediate vicinity of these rapids, we feel that we are more interested in, and familiar with them, than any other persons, and yet we do not hesitate to say that, considering the entire project, the scenic beauty of the Rapids is entirely secondary to their commercial possibilities, and that they should be devoted to the electrifying of Eastern Ontario.

We are not competent to pass upon the engineering features of this proposition; these will all be studied and approved by your expert engineers. But as a commercial and industrial question we feel that we are pre-eminently qualified to pass opinion and we do not hesitate to give our unqualified endorsement to this power proposition, and humbly petition Your Excellency to grant the request of the St. Lawrence Power Company, Limited, for a franchise to construct the necessary dams, power houses and other works.

Relying on Your Excellency and the Government to properly safeguard and protect the interests of the Canadian people with regard to all questions involved.

Respectfully submitted,

THE CORNWALL BOARD OF TRADE.

11th November, 1909.

N. J. FRAID, *President*.

J. E. SNETSINGER, *Vice-President*.

F. BISSET, *Secretary*.

E. D. CALLAGHAN, *Treasurer*.

and the following members and citizens of the Town of Cornwall:

SESSIONAL PAPER No. 157.

| NAME. | OCCUPATION. |
|-----------------------------|-------------------------------|
| D. B. MacLennan | Barrister. |
| Robert S. Cline | Accountant. |
| P. J. Lally | Manufacturer. |
| John A. McDougald | Local Registrar H. C. J. |
| C. H. Cline | Barrister. |
| J. W. Crewson | |
| Geo. F. Smith | Prin. C. C. College. |
| Alf. Mulhow | Coal Merchant. |
| J. T. Kirkpatrick | Gentleman. |
| Geo. W. Armstrong | Grocer. |
| M. Hirmiston | Plumber, &c. |
| N. H. McGillivray | Clergyman. |
| Robt. Coingan | Real Estate Agent. |
| D. J. McDonell | Collector of Municipal Rates. |
| P. V. MacLennan | Barrister. |

and 221 others also signed.

We, the undersigned, representing the ratepayers of the Township of Cornwall, give our unqualified endorsement to the power proposition, as set forth in the above Petition of the Cornwall Board of Trade, and humbly petition Your Excellency to grant the request of the St. Lawrence Power Company, Limited, for a franchise to construct the necessary dams, power houses, and other works.

Respectfully submitted,

WM. OGLE, *Reeve.*JAS. L. GROVES, *Deputy Reeve.*JOHN MULLEN, *Clerk.*WILLIAM WATTERS, *Councillor.*B. LECLAIR, *Councillor.*JAS. W. CRAWFORD, *Councillor.*

We, the undersigned members of the Town Council of the Town of Alexandria, Ont., give our unqualified endorsement to the power proposition, as set forth in the above Petition of the Cornwall Board of Trade, and hereby petition Your Excellency to grant the request of the St. Lawrence Power Company, Limited, for a franchise to construct the necessary dams, power houses and other works.

Respectfully submitted,

F. T. COSTELLO, *Reeve and Presiding Officer.*WM. HENRY, *Clerk.*J. T. HOPE, M.D., *Councillor.*GEO. BAUGIE, *Councillor.*JAS. KERR, *Councillor.*J. O. SIMPSON, *Councillor.*

P. C. 301, 1910.

TO HIS EXCELLENCY,

THE GOVERNOR GENERAL OF CANADA.

The Municipal Council of the Town of Cornwall desire to submit to Your Excellency their views concerning the proposed damming of the St. Lawrence River near Mille Roches, Ontario.

1-2 GEORGE V., A. 1911.

Cornwall is now supplied with a very limited amount of hydraulic power obtained from the Cornwall Canal, and in addition there is also developed about two thousand horse-power in the electric plant near the East end of Sheek Island.

Experience has shown that this is all of the power that can be developed from the canal without interfering with navigation therein.

The St. Lawrence Power Company, Limited, own the electric plant at the foot of Sheek Island, and have requested permission to enlarge their works so that they can develop from the Long Sault Rapids the enormous power that is now running to waste. The plans of the Company have been explained to us and we favour the granting of the Company's request for permission to construct their proposed works for the following reasons:

I. When the proposed dams and power houses are built, practically unlimited power will be available not only for Cornwall but for all Eastern Ontario, and with Government regulation of rates, this will attract many new industries to this section and will be of great benefit to those already established.

II. The construction of the proposed works will give employment to thousands of persons during the construction period, and after these are completed permanent employment will be given to a very large number of people, and this will greatly benefit our local merchants.

III. Ice conditions in the St. Lawrence will be materially improved by the construction of the dams, since the amount of frazil ice now formed in the Long Sault Rapids will be greatly reduced.

IV. As we understand it, these works can be constructed without interfering with navigation in the Cornwall Canal, and boats can in the future use this canal the same as under present conditions. Through boats, however, can pass up the main channel of the St. Lawrence to the foot of Long Sault Island, where a single lock will raise them to a higher level, and avoid lockage through the Cornwall and Farrans' Point Canals, thus saving several hours time on each round trip of the boats.

V. Objections have been raised against the construction of the proposed dams on the ground that they will destroy the scenic beauty of the Long Sault. Located as we are, within a few miles of these rapids, we feel pre-eminently qualified to pass judgment on this point, and it is our belief that the artificial waterfall caused by the construction of the dams will afford a scenic attraction superior to the Long Sault, and one that can be seen by tourists throughout the year, whereas under present conditions the rapids are only visited during the short summer tourists' season of about four months by tourists on the River Steamers.

In granting permission to the Company to construct their proposed works, we assume that Your Excellency will properly protect all Canadian interests.

And your Petitioners, as in duty bound, will ever pray.

(Sgd.) W. A. MUNROE, M.D.,
Mayor.

GEO. S. JARVIS,
Town Clerk.

TO HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL.

We, the members of the Board of Trade of the Town of Brockville, (duly incorporated), having carefully considered the proposition of the St. Law-

SESSIONAL PAPER No. 157.

rence Power Company, Limited, for the development of the power of the Long Sault Rapids, beg to humbly present our conclusions as follows:

1st. The development of cheap power is an absolute necessity for Eastern Ontario, as without such power we will be unable to maintain our at present few manufacturing industries, much less to obtain our share of the new industries which must come with the development of Canada.

2nd. The proposition of the St. Lawrence Power Company, Limited, appeals to us as the only feasible plan of which we have yet heard for accomplishing the above object. Taking it for granted that your Engineers will first approve of the feasibility of the proposition and of the possible effect of the same upon the Canal system, we are of the opinion that the plans of the Company when carried out will:

(a) Provide all the power that will be required in Eastern Ontario for many years.

(b) Enable us to retain our manufacturing industries and obtain the location of new industries in our midst.

(c) Improve navigation facilities by furnishing an alternative channel for all boats which now use the Cornwall Canal, and by materially saving much time for such boats.

(d) Substitute for the Long Sault Rapids new and unique attractions for tourists in the shape of the longest overflow dams in the world, and incidental hydro-electric works of enormous magnitude.

3rd. It is our earnest opinion that the present slight use of the Long Sault Rapids by tourists should not be allowed to delay the development of the immense power which can be obtained therefrom and consequent awakening of industrial activity in this part of Canada.

We, therefore, humbly pray Your Excellency to grant the Petition of the St. Lawrence Power Company, Limited, subject of course to the approval of your Engineers.

BROCKVILLE, August 20th, 1909.

(Signed)

WM. C. MacLAREN, *President.*

W. H. DAVIS, *Vice-President.*

JOHN McGEE, *Chairman of Council.*

WM. McLAREN, *Secretary.*

J. H. GILMOUR, *Council.*

T. J. STOREY, *Council.*

W. H. KYLE, *Council.*

D. W. DOWNEY, *Council.*

A. T. HILGRESS, *Council.*

H. Y. FARR, *Council.*

and also ninety-six (96) other members of the Board of Trade of Town of Brockville.

We, the undersigned citizens of the Town of Brockville, not members of the Board of Trade, having considered the above Petition, desire to concur in same and to add our endorsement thereto.

G. H. WEATHERHEAD.

GEORGE SMITH.

NEWTON COSSITT, Sr.

ALBERT B. HENDERSON.

JAMES MOORE.

G. S. DUNHAM.

and also one hundred and seventy-six (176) other citizens of the Town of Brockville.

1-2 GEORGE V., A. 1911.

MINUTES of a meeting of the Municipal Council of Brockville, held on Friday, August 20th, 1909, for the purpose of considering the proposition of the St. Lawrence Power Company, Limited, for the development of power at the Long Sault Rapids.

*Moved by Geo. A. Wright,
Seconded by A. M. Patterson,*

That in the opinion of this Council the greatest need in Eastern Ontario is the development of cheap power. That such power, combined with our other facilities, will enable us to compete with other portions of the province in arranging the location of manufacturing industries in our midst.

That in our opinion the development of the power of the Long Sault Rapids is the most feasible proposition in Eastern Ontario, and the objection that such development will destroy some of the scenic beauty of the St. Lawrence should not be allowed to weigh as against the material progress of the Province, which we believe would result from such development.

That His Worship the Mayor be requested to appoint a committee to draft a memorial to the Governor General in Council, endorsing the proposition of the St. Lawrence Power Company, Limited, as laid before us this evening, and urging the granting by them to that Company such power as may be required to carry out their proposition, subject, of course, to the approval of the Government Engineers, and that this Council do authorize His Worship the Mayor to make the necessary arrangements to have such memorial presented by a large and influential deputation of our citizens.—*Carried.*

The Mayor appointed Messrs. Patterson, Wright, Botsford and Dr. Shaver a Committee in compliance with the resolution.

I, GEORGE K. DEWEY, Clerk of the Town of Brockville, hereby certify that the foregoing is a true copy of the Minutes of the meeting of Council held on the 20th August, 1909.

(Sgd.) GEO. K. DEWEY, *Clerk.*

BROCKVILLE, Ont., August 21, 1909.

TO HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL.

We, the Municipal Council of the Corporation of the Town of Brockville, beg to humbly address you upon the matter of the application of the St. Lawrence Power Company, Limited, for authority to develop the power of the Long Sault Rapids in the River St. Lawrence.

We want cheap power. Eastern Ontario must have cheap power. All our power is generated now with coal.

We have carefully considered the plans of the Company; many of us by personal inspection on the ground. We have considered several of the schemes for furnishing power to Brockville, but the proposition of the above named Company is the only proposition placed before us which has seemed to us to be feasible and likely to be satisfactory.

We believe that the power which can be obtained from the Long Sault Rapids should be developed. We do not think that the very limited use now made of the Channel in which are these rapids should stand in the way of such development. The proposed works of the Company would, in our opinion, improve navigation.

We assume, of course, that the rights that will be granted by you to the Company will be subject to the approval of your Engineers, and that Canadian

SESSIONAL PAPER No. 157.

interests will be safeguarded by requiring the early development and sale at reasonable rates of power for Canadian enterprises and municipalities, and the prompt construction of transmission lines at least as far west as Brockville.

Subject to the above we would humbly urge that the St. Lawrence Power Company be promptly granted the privileges required by them to enable them to carry out the huge enterprise proposed by them, which should result in great material advantage to Eastern Ontario.

(Sgd.) W. H. KYLE,
Mayor.

THE BROCKVILLE LIGHT AND POWER DEPARTMENT.

August 20th, 1909.

Moved by D. W. Downey,
Seconded by Wm. C. MacLaren,

That we, the Board of Light and Power Commissioners of the Town of Brockville, realizing that cheap power is most essential in the interests of Brockville and of this Department, and each of us having carefully considered the proposition of the St. Lawrence Power Company, Limited, to develop the power of the Long Sault Rapids;

Be it Resolved, that such proposition, in the opinion of this Board, meets with our hearty approval, and we would urge the Government of Canada to grant the said Company the necessary authority for the construction of such work, subject, of course, to the approval of the Government Engineers, and subject to such conditions as may be necessary to protect the interests of property owners in the vicinity.—*Carried.*

(Sgd.) W. H. KYLE, Mayor.

C. T. WINKINSON, Manager.

W. W. HARRISON.

W. H. DOWSLEY, Secy.-Treasurer.

JOHN WEBSTER.

Resolution passed at a Meeting of Citizens of the Town of Brockville, who had personally considered the proposition of the St. Lawrence Power Company, Limited.

Moved by W. S. Buell,
Seconded by W. H. Harrison,

Whereas, Eastern Ontario, as compared with Western Ontario, is badly handicapped in the lack of cheap power;

And, whereas, there is an immense volume of water passing through the Long Sault Rapids, which if harnessed would produce unlimited power, and could be transmitted throughout the entire Eastern Ontario;

And, whereas, the St. Lawrence Power Company, Limited, incorporated by Dominion of Canada, having laid before us a proposition by which, in conjunction with the Long Sault Development Company, incorporated by the State of New York, they would be able to develop the power of the Long Sault Rapids; but, *whereas*, before entering upon such undertaking it is necessary for such Companies to obtain the approval of their plans and proposition by the Governor General in Council, and the International Waterways Commission, and possibly to procure the passage of an Act of Parliament;

And, whereas, certain persons have raised objections to the proposition upon the ground of the possible effect upon property adjacent to or west of

1-2 GEORGE V., A. 1911.

the proposed works, but more particularly upon the ground that the works of the Company will result in the obliteration of the Long Sault Rapids, and that it will destroy some of the natural beauty of the St. Lawrence and will tend to decrease the number of summer tourists travelling through this part of Canada;

And, whereas, we have each and every one of us carefully considered the plans and proposition of the companies, and have made a personal observation of the same upon the grounds of the proposed works;

Be it Resolved, and it is hereby resolved that it is our unanimous opinion:

1. That the greatest present requirement of Eastern Ontario is cheap power.

2. That the obliteration of the scenic beauty of the Long Sault Rapids is at the most but a minor objection and should not be allowed to retard the industrial development of the whole of Eastern Ontario, which has so long remained dormant. It is our opinion, however, that the proposed undertaking will greatly enhance rather than destroy the attraction for tourists.

3. That the proposed undertaking will greatly benefit navigation on the St. Lawrence by furnishing an alternative channel for all classes of boats that now pass through the Cornwall Canal.

4. That we express our unqualified approval of the proposition of the St. Lawrence Power Company, Limited, subject, of course, to the approval of the Government Engineers as to the feasibility of the proposition and as to its effect upon property in the vicinity.

5. That every effort should be made to encourage the development of such a power, and that we urge the members of the Town Council of Brockville, the Board of Trade, the Trades and Labour Council, and the Boards of Water and Light Commissioners, to pass memorials endorsing the proposition, and to forward same to the Governor General in Council, in care of a large and influential delegation, or to take such other energetic steps as they may deem likely to further the proposition.—*Carried.*

W. H. KYLE, *Mayor.*

Aug. 19, 1909.

W. H. KYLE, *Mayor.*

W. H. HARRISON.

WM. C. McLAREN.

D. W. DOWNEY.

W. H. COMSTOCK.

WM. BUELL.

C. T. WINKINSON.

A. T. KILGRESS.

WM. AHEARNES.

A. M. PATTERSON.

W. H. DAVIS.

GEORGE A. WRIGHT.

H. Y. FARR.

W. J. CURLEY.

ROBT. CRAIG.

R. BOIOS, Esq.

JOHN WEBSTER.

WM. B. THOMSON.

N. J. MANAHON.

GEO. A. DANA.

W. H. WOODROW.

WM. MILLER.

W. P. DAILEY.

J. H. ROSS.

B. DILLON.

C. S. COSSETT.

GAIUS ALLEN.

SESSIONAL PAPER No. 157.

PETITION OF THE TRADES AND LABOUR COUNCIL OF
BROCKVILLE, ONT.

TO HIS EXCELLENCY,
THE GOVERNOR GENERAL IN COUNCIL.

The Council of the Trades and Labour Federation are keenly interested in the proposed power development of the Long Sault by the St. Lawrence Power Company, Limited, and a number of your petitioners investigated, in a general way, the results that will follow the development of this power.

We fully appreciate that only experienced engineers are qualified to approve the detailed construction of the proposed works, and we rest assured that in considering this proposition Canadian interests will be maintained.

As a broad proposition, however, we are unanimous in favoring this power development at the Long Sault. Eastern Ontario has few developed water powers, while the Western parts are abundantly supplied with electricity, and, as a result, industrial conditions in Eastern sections are comparatively unsatisfactory.

We are convinced that labour conditions will be greatly improved as soon as electrical power is furnished to Brockville.

We realize that the Long Sault is a fine piece of scenery, but there are many other rapids along the St. Lawrence for tourists to enjoy during the short summer season.

The Long Sault earns scarcely one dollar per year for the tens of thousands of people living within one hundred miles of the rapids; when this power is developed, however, practically all of these people will be substantially benefitted thereby.

Navigation will be improved by the lock to be built in the South Sault Channel, thus doubling the capacity of the Cornwall Canal, and thus preventing any possible delay to shipping in case of a break in the existing canal.

The proposed dams will provide an artificial waterfall about one and one-half miles long, and in our estimation will fully equal the rapids as a scenic attraction.

The building of the proposed dams, power houses and factories will require the expenditure of many millions of dollars, and will give employment for several years to thousands of persons during the construction period. After these works are completed, permanent employment will be afforded for many thousand people.

We, therefore, humbly pray that Your Excellency will give most careful consideration to this matter and grant permission for building these great works which are so essential to the greater prosperity and welfare of your petitioners.

Respectfully submitted,

Signed by:—

President, F. W. CLOW.

Fin. Secretary, WM. J. CHAPMAN.

Vice-President, G. L. BARCLAY.

Treasurer, FRED J. CLUTTERBUCK.

Rec. Secretary, J. H. GILROY.

1-2 GEORGE V., A. 1911.

THOS. DODDRIDGE.

S. A. LOGAN.

W. CALDWELL.

J. EDWARDS.

E. WATSON.

F. W. FINCH.

E. GOODISON.

ROD. O'CONNOR.

W. FRAZER.

ANSON CARR.

E. A. STEWART.

A. J. BARKER.

C. O'LEARY.

WM. McEATHRON.

J. E. FULLER.

W. E. BROWN.

EDW. J. BYRNE.

J. WALKER.

GEORGE H. HALL.

WM. DARLING.

G. J. BYERS.

WM. FARR.

A. F. GAULKE.

J. F. JOHNSTON.

W. PATHRON.

A. W. BAXTER.

F. L. PELLETIER.

PETER FERGURER.

J. WILLRICH.

WM. B. WARREN.

L. R. WETHERELL.

JOHN ARCHIBALD.

T. COBB.

PETER DUYER.

WILLIAM DIXON.

ED. DOYER.

H. B. SANDFORD.

FRANK ROONEY.

I. PALMER.

A. H. SAVARY.

G. A. McBRATNEY.

To His EXCELLENCY,

THE GOVERNOR GENERAL IN COUNCIL.

The Board of Trade of the Town of Prescott (duly incorporated) having considered the proposition of the St. Lawrence Power Company, Limited, for the development of power from the Long Sault Rapids, humbly represent:

That the progress of Eastern Ontario is very much retarded owing to lack of cheap power for manufacturing and mercantile purposes, by reason of which we are unable to obtain our share of the new industries in connection with the development of our country.

That we believe the proposition of the said, the St. Lawrence Power Company, Limited, if carried out, will supply abundance of power for the whole of this part of Canada, and thus enable us to obtain the location of new manufacturing industries in our midst, besides assisting industries already established.

That it will also improve navigation facilities by furnishing an alternative route for vessels which now use the Cornwall Canal, and in case of accident to the Cornwall Canal there will be no delay to navigation.

This proposition is of such tremendous importance to this part of Canada that, in our opinion, the present slight use of the Long Sault Rapids by tourists should not be allowed to delay the development of power, which will materially assist in the progress of our country.

That we believe the scenic beauty afforded by an immense overflow dam producing an enormous waterfall will provide a new attraction for tourists, which will more than surpass the present attraction of the Long Sault Rapids.

SESSIONAL PAPER No. 157.

We, therefore, humbly pray that, subject to the approval of your Engineers, you may be pleased to grant the petition of the St. Lawrence Power Company, Limited.

Dated at Prescott, this 22nd day of November, 1909.

Signed:

F. G. EVANSON, *Chairman*.
 W. F. MacPHERSON, *Secretary*.
 D. M. McCARTHY, *Vice-President*.
 W. J. PURKES.
 P. N. NUPIER.
 CHAS. BAKER.
 C. F. McPHERSON.
 J. H. BRADLEY.
 E. C. PUISSONNAULT.
 W. J. KILFORD.
 GEO. MASON.

A. M. HALLIDAY.
 JAS. A. KAVANAGH.
 J. K. DOUSLEY.
 F. B. BARKLEY.
 S. E. MILLS.
 FRED ROWE.
 J. A. McFEE.
 ALBERT WHILINS.
 H. P. BINGHAM.
 H. ROUKINS.
 L. H. DANIELS.

TO HIS EXCELLENCY,
 THE GOVERNOR GENERAL IN COUNCIL.

The Petition of the Municipal Council of the Corporation of the Town of Prescott, in the County of Grenville,

Humbly Sheweth:

Whereas, there is a very great demand in Eastern Ontario for abundant, cheap and reliable electric power. Along the river fronts as well as in the interior towns, there is practically no hydro-electric power developed, (except in a small degree, by the use of the Canal water in Cardinal, Iroquois, Morrisburg and Cornwall). All other power in Eastern Ontario is generated by steam, at a much greater cost than hydro-electric power is selling for in Western Ontario and elsewhere; and,

Whereas, the western part of Ontario has been supplied with abundant hydro-electric power at reasonable cost, and as a result this section of the country has experienced very substantial commercial and industrial growth, while the eastern part of Ontario has practically made no industrial progress for the past two decades; and,

Whereas, Eastern Ontario has natural resources of tremendous industrial possibilities, not only in the development of the water power of the St. Lawrence River, and supplying all existing demands for power in Eastern Ontario, but also in the establishments of new industries, particularly in the towns along the river front; and,

Whereas, Government permission is being sought by the owners of the riparian rights adjacent to the Long Sault Rapids, to construct certain dams, power houses, canals and controlling works for the development of the hydro-electric power that can be made available by the proposed works. The plans of the owners of these rights in Canada, the St. Lawrence Power Company, Limited, provide for the ultimate development and complete utilization of the total potentiality of the St. Lawrence, and when their proposed works are completed this Company will be able to supply all demands for power within the radius of transmission from the power house; and,

1-2 GEORGE V., A. 1911.

Whereas, delegations consisting of several members of the Municipal Council of the Town of Prescott, including His Worship, Mayor L. H. Daniels, have made a careful investigation of the commercial possibilities of the hydro-electric development of the Long Sault as proposed by the St. Lawrence Power Company, Limited, and have also considered the broad general scheme, (not from an engineering standpoint, except in a minor degree), in respect to its effect upon the scenic beauty of the river, its effect upon navigation interests, and its effect upon entire Eastern Ontario; and,

Whereas, we are thoroughly convinced that the scenic beauty afforded by the enormous overflow dam, between Barnhard and Long Sault Islands, (which dam will have a length of about three thousand eight hundred feet, equal to thirteen city blocks), will produce a waterfall far surpassing the present attraction of the Long Sault. And we are unanimous in our opinion that such a sight will be a more powerful attraction to the tourist traffic along the river than the Long Sault, particularly so in view of the fact that there are five other rapids on the St. Lawrence below, and two above the Long Sault; and,

Whereas, the Long Sault Development Company, which is conjointly interested with the St. Lawrence Power Company, Limited, in this proposed power development, will build, under the direction of the United States Government, a single lock in the South Sault Channel, near the eastern end of Long Sault Island, that will enable all boats using the St. Lawrence to pass the Long Sault in a single lockage, using broad river channels instead of the Cornwall Canal, 11¼ miles in length, and containing six locks. This lock will duplicate the facilities afforded by the Cornwall Canal, will shorten the time of passage past the Long Sault several hours, and will necessarily be of great value to all navigation interests of the river; and,

Whereas, the Canadian Government, through its Engineering Department, will safeguard all Canadian interests so far as protection of navigation and engineering questions are concerned;

Now, therefore, be it resolved that as a broad commercial proposition, affecting the entire industrial life of all Eastern Ontario, the Municipal Council of the Town of Prescott hereby gives its unqualified and hearty approval to the proposed hydro-electric development of the Long Sault, and endorses the scheme as the only substantial and meritorious proposition that has up to the present time been considered for supplying this district with abundant and reliable electric power which can be had at low rates; and,

Be it further Resolved, that the Municipal Council of the Town of Prescott urgently requests Your Excellency to grant, or cause to be granted, the petition of the St. Lawrence Power Company, Limited, to construct their proposed works in Canada, subject to the proper Government inspection and approval.

In Testimony Whereof we have in Council assembled caused the Corporate Seal of the said Corporation to be affixed hereto by the hands of our Mayor and Clerk, this sixteenth day of August, A.D. 1909.

GEO. ROOK,
Clerk.

(Sgd.) L. H. DANIELS,
Mayor.

(Seal.)

SESSIONAL PAPER No. 157.

P. C. 212.

QUEBEC, February 5th, 1910.

THE RIGHT HONOURABLE

SIR WILFRID LAURIER, P.C., G.C.M.G., D.C.L.,
Prime Minister of Canada.

SIR WILFRID,—

I have been instructed to write you as follows, on behalf of the Quebec Board of Trade:

During the present session of the Dominion Parliament, it is likely that applications will be made for charters for two power development schemes in the Rapids of the St. Lawrence River.

The Long Sault Development Company propose to completely dam the River St. Lawrence from the Canadian shore to the American shore, in the vicinity of the Long Sault Rapids, near Cornwall, Ont., and if their plans have not been changed since submitted to the International Waterways Commission, propose to build a lock as part of their works, which they claim would relieve any congestion now felt in the Cornwall Canal, or caused by the erection of their works.

What does the damming of the St. Lawrence mean?

That our mighty river and our commercial highway, from the Great Lakes to the Sea, will have the continuity of its natural flow broken.

That a stream first used commercially in 1843, for the conveyance of British troops, being transferred from Kingston to the West Indies, and continuously since until some 50,000 to 60,000 persons descend it annually by boat, as well as freight steamers, rafts will be blocked by these dams and the only means of transportation by canal.

That certain water powers now existing will be rendered valueless.

That there is liability of floods in the Spring west of these dams and that the depth of water in the River east of them, and possibly at Montreal, may be affected at certain seasons of the year.

That the control of the whole River St. Lawrence will be handed over to a Corporation.

That insurance rates on vessels now operating the St. Lawrence Canals are one per cent. higher than if they only came as far as Ogdensburg, owing to the dangers caused through these power plants in Canal waters.

That the Dominion Government are asked to give away rights which may later affect the development of the St. Lawrence route and the increase in the Canal facilities which are already taxed almost to their utmost to give the despatch that is required, and will be even more congested should the rafts and steamers now using the rapids be forced to use the canals.

Must we hasten to give permission to dam the St. Lawrence River? Are there not a number of water powers developed which are not so far away from the district which they claim will get cheap power, water powers which are not located on navigable rivers?

From a Canadian standpoint, how much benefit is Canada going to derive from the scheme, as against the sacrifices made when giving permission to dam the St. Lawrence River?

Is not the capital behind the scheme largely United States capital, and two-thirds of the power at least to be developed in the United States, for the benefit of the Pittsburg Reduction Company, who already have a power plant

1-2 GEORGE V., A. 1911.

at Messena, and whose head of water would be enormously increased by the building of these dams.

The Cedar Rapids Power Company is a similar scheme, but it does not contemplate the entire damming of the River. It is the opinion of expert navigators that the proposed works would make it impossible for steamers to run the Cedar Rapids, and it is certain that they would force the rafts into the Canals with result that other traffic would be held up.

The proposed works of the Long Sault Development Company are in a navigable stream, and before anything is done in a navigable stream they must have a permit from the United States War Department and the Department of Public Works of Canada.

Are the people of Canada going to give their sanction? If not, it behooves us to take enough interest in opposing this scheme to see that our representative at Ottawa does his part towards preventing it.

Your most obedient servant,

(Sgd.) G. LEVASSEUR,
Secretary.

P. C. 212.

OTTAWA, 14th February, 1910.

SIR,—

I have the honour, by the direction of the Right Honourable Sir Wilfrid Laurier, to acknowledge receipt of your communication of the 5th instant, on behalf of the Quebec Board of Trade, respecting two power development schemes in the Rapids of the St. Lawrence River, and to state that the same will receive due consideration.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd.) F. K. BENNETTS,
Assistant Clerk of the Privy Council.

G. Levasseur, Esq.,
Secretary,

Quebec Board of Trade,
Quebec.

P. C. 542.

TO HIS EXCELLENCY THE RIGHT HONOURABLE EARL GREY, G.C.M.G.,
Governor General of Canada in Council.

The Petition of the National Council of Women of Canada,

Humbly Sheweth:—

That your petitioners have been advised that there is to be submitted to the Parliament of Canada an application on behalf of the St. Lawrence Power

SESSIONAL PAPER No. 157.

Company for leave to construct dams across the St. Lawrence River at and near the Long Sault Rapids.

That your petitioners have given careful consideration to the proposed project and are satisfied that the construction of such works would be most detrimental to national interests, for the reasons more particularly as follows:

1st. Serious damage might arise from the proposed works, such as recurrent ice jams and extensive floods; the possible drying up of the River and consequent imperilling of the Cornwall Canal (an essential part of the all-Canadian waterway from Lake Superior to the Sea); the impeding of navigation and the loss inflicted upon the country from Prescott to Quebec. Notwithstanding the opinion expressed by engineers, it is a well established fact that interference with the course of the river often gives rise to consequences which could not have been predicted. The residents of the district, familiar with the history of the river, state that in the past, even slight obstruction has caused great damage from ice-jams and floods. In recent years, the history of Niagara Falls well illustrates the unforeseen and disastrous results arising from artificial conditions.

2nd. The construction of such dams would necessitate the employment of a new route, the South Sault Channel, which is pronounced inferior to the present route.

3rd. The question of providing for deeper navigation upon the St. Lawrence will undoubtedly arise at some future date, and a work of such national importance should in no wise be hampered, much less prevented, by the necessity of expropriation and the possibility of international complications.

4th. There is at present no demand for the additional development of power for Canadian requirements, and should such power be required it could be easily provided from other sources without interfering with the St. Lawrence River.

5th. While it is not at present needed, there is no doubt that, at some future date, the enormous power capable of development at the Long Sault Rapids will be required by Canada. It should, therefore, be carefully safeguarded as a most valuable national asset.

6th. The greater part of the proposed works will be on foreign soil and only a small proportion of the total power will be developed in Canada. Canadian interests and requirements are evidently not an appreciable factor in the plans of the Company. Although one-half of the potential power belongs to Canada, it would, if once alienated, never be recoverable.

7th. In addition to economic considerations, only extreme necessity would justify the destruction of the beauty of the Long Sault Rapids, with which are linked imperishable historic associations.

From the above considerations it would seem evident that the Government of Canada should maintain unimpaired its rights and jurisdiction over its own waterways.

Wherefore your petitioners humbly pray that Your Excellency may not approve of legislation granting the proposed rights and powers to the St. Lawrence Power Company.

1-2 GEORGE V., A. 1911.

And your petitioners, as in duty bound, will ever pray, etc., etc.

(Sgd.) MARGARET TAYLOR, *Acting President*.
SOPHIE SANFORD, *Vice-President*, Hamilton.
CARRIE M. DERICK, *Vice-President*, Montreal.
MARIA E. FROST, *Treasurer*, Smith's Falls.
BELLA McINTOSH, *Recording Secy.*, Montreal.

Signed on behalf of the
National Council of Women of Canada,
44 Dewson Street, Toronto,
March 17, 1910.

P. C. 33.

*Certified copy of a Report of the Committee of the Privy Council, approved by
His Excellency the Governor General on January 11th, 1911.*

The Committee of the Privy Council have had under consideration a report, dated 7th January, 1911, from the Secretary of State for External Affairs representing that a Bill has been introduced and is now before the Congress of the United States, the object of which is to obtain power to dam the St. Lawrence River at a point near the Long Sault Rapids. The Bill provides for the erection of a dam or dams on the south side of the boundary line in United States waters, separately or in conjunction with dams to be erected upon the Canadian side, under powers which are of course obtainable only from the Parliament of Canada.

The Minister states that representations have been made to Your Excellency's Government that it is undesirable in the interests of Canada that any of these structures should be authorized.

While it may not concern Your Excellency's Government to make representations to the Government of the United States upon the subject, if the effect of the proposed dams in the waters of the United States will not extend to the waters upon the Canadian side of the boundary, the Minister desires to point out that the waters of the St. Lawrence River at the place in question are boundary waters within the meaning of the preliminary article of the Boundary Convention of the 11th January, 1909, and that by Article 3 of the said Boundary Convention it is agreed that no obstruction or diversion, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made, except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval of the International Joint Commission.

Since, therefore, it may be that the dams proposed to be authorized by the Bill in question would constitute obstructions within the meaning of the said Article, the Minister suggests that representations should be made through His Majesty's Ambassador at Washington to the Government of the United States, pointing out the application of the Treaty to the proposed works and intimating that in the view of your Excellency's advisers these works cannot be authorized or executed except with the approval of the International Joint Commission.

The Committee concur in the foregoing and submit the same for Your Excellency's approval.

RODOLPHE BOUDREAU,
Clerk of the Privy Council.

SESSIONAL PAPER No. 157.

P. C. 33 (a).

61st Congress,
2nd Session.

H. R. 14,531.

IN THE HOUSE OF REPRESENTATIVES,

December 14th, 1909.

MR. MALBY introduced the following Bill,—which was referred to the Committee on Rivers and Harbours, and ordered to be printed.

A BILL

To provide for the construction of dams, locks, canals, and other appurtenant structures in the Saint Lawrence River at and near Long Sault Island, Saint Lawrence County, New York.

I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Long Sault Development Company, a corporation organized under the laws of the State of New York, its successors and assigns, be, and they hereby are, authorized to construct, maintain and operate for water power and other purposes a dam or dams across the St. Lawrence River between points on the United States and Canadian shores of said River near Long Sault Island or Barnhart's Island or Sheek Island, and the said Islands, or any of them, and between said Islands, in and across so much of the said river as lies south of the International boundary line between the United States of America and the Dominion of Canada, either independently or in connection with like works now erected or to be erected in and across so much of said river as lies to the north, or Canadian, side of the said International boundary line, and in connection with such dam or dams, a bridge or bridges and approaches thereto, and a lock or locks, a canal, or canals, and other structures appurtenant thereto;

Provided:—That such dam or dams, lock or locks, canal or canals, and other structures appurtenant thereto shall be constructed, maintained, and operated in all respects subject to and in accordance with the provisions of the Act entitled “An Act to regulate the construction of dams across navigable waters” approved June twenty-first, nineteen hundred and six;

And provided further, that such bridge or bridges, and approaches thereto shall be constructed, maintained and operated in all respects subject to and in accordance with the provisions of the Act entitled “An Act to regulate the construction of bridges over navigable waters,” approved March twenty-third, nineteen hundred and six, except that the actual construction of the works hereby authorized shall be commenced within one year and completed within fifteen years from the date of the passage of this Act, or from the date of the consent of the proper authorities of the United States of America and the Dominion of Canada to the construction of said works, or of the approval of the plans and specifications and location and accessory works thereof; and this Act shall not be construed as authorizing said Company, its successors or assigns, to construct the said dams, canals, locks, and other works until such consent and approval shall be obtained.

RETURN

(104a)

1. International Boundary Waters Treaty, signed at Washington, 11th January, 1909.

2. Rider attached by the United States Senate.

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and the United States of America, being equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise, have resolved to conclude a treaty in furtherance of these ends, and for that purpose have appointed as their respective plenipotentiaries:

His Britannic Majesty, the Right Honourable James Bryce, O.M., his Ambassador Extraordinary and Plenipotentiary at Washington; and

The President of the United States, Elihu Root, Secretary of State of the United States;

Who, after having communicated to one another their full powers, found in good and due form, have agreed upon the following articles:

PRELIMINARY ARTICLE.

For the purposes of this treaty, boundary waters are defined as the waters from main shore to main shore of the lakes and rivers and connecting waterways, or the portions thereof, along which the international boundary between the United States and the Dominion of Canada passes, including all bays, arms and inlets thereof, but not including tributary waters which in their natural channels would flow into such lakes, rivers and waterways, or waters flowing from such lakes, rivers and waterways, or the waters of rivers flowing across the boundary.

ARTICLE I.

The high contracting parties agree that the navigation of all navigable boundary waters shall forever continue free and open for the purposes of commerce to the inhabitants and to the ships, vessels, and boats of both countries equally, subject, however, to any laws and regulations of either country, within its own territory, not inconsistent with such privilege of free navigation and applying equally and without discrimination to the inhabitants, ships, vessels, and boats of both countries.

It is further agreed that so long as this treaty shall remain in force, this same right of navigation shall extend to the waters of Lake Michigan and to all canals connecting boundary waters, and now existing or which may hereafter be constructed on either side of the line. Either of the high contracting parties may adopt rules and regulations governing the use of such canals within its own territory and may charge tolls for the use thereof, but all such rules and

SESSIONAL PAPER No. 157.

regulations and all tolls charged shall apply alike to the subjects or citizens of the high contracting parties and the ships, vessels, and boats of both of the high contracting parties, and they shall be placed on terms of equality in the use thereof.

ARTICLE II.

Each of the high contracting parties reserves to itself or to the several state governments on the one side and the Dominion or provincial governments on the other as the case may be, subject to any treaty provisions now existing with respect thereto, the exclusive jurisdiction and control over the use and diversion, whether temporary or permanent, of all waters on its own side of the line which in their natural channels would flow across the boundary or into boundary waters; but it is agreed that any interference with or diversion from their natural channel of such waters on either side of the boundary, resulting in any injury on the other side of the boundary, shall give rise to the same rights and entitle the injured parties to the same legal remedies as if such injury took place in the country where such diversion or interference occurs; but this provision shall not apply to cases already existing or to cases expressly covered by special agreement between the parties hereto.

It is understood, however, that neither of the high contracting parties intends by the foregoing provision to surrender any right, which it may have, to object to any interference with or diversions of waters on the other side of the boundary the effect of which would be productive of material injury to the navigation interests on its own side of the boundary.

ARTICLE III.

It is agreed that, in addition to the uses, obstructions, and diversions heretofore permitted or hereafter provided for by special agreement between the parties hereto, no further or other uses or obstructions or diversions, whether temporary or permanent, of boundary waters on either side of the line, affecting the natural level or flow of boundary waters on the other side of the line, shall be made except by authority of the United States or the Dominion of Canada within their respective jurisdictions and with the approval, as hereinafter provided, of a joint commission, to be known as the International Joint Commission.

The foregoing provisions are not intended to limit or interfere with the existing rights of the government of the United States on the one side and the government of the Dominion of Canada on the other, to undertake and carry on governmental works in boundary waters for the deepening of channels, the construction of breakwaters, the improvement of harbours, and other governmental works for the benefit of commerce and navigation, provided that such works are wholly on its own side of the line and do not materially affect the level or flow of the boundary waters on the other, nor are such provisions intended to interfere with the ordinary use of such waters for domestic and sanitary purposes.

ARTICLE IV.

The high contracting parties agree that, except in cases provided for by special agreement between them, they will not permit the construction or maintenance on their respective sides of the boundary of any remedial or protective works or any dams or other obstructions in waters flowing from boundary

1-2 GEORGE V., A. 1911.

waters or in waters at a lower level than the boundary in rivers flowing across the boundary, the effect of which is to raise the natural level of waters on the other side of the boundary, unless the construction or maintenance thereof is approved by the aforesaid International Joint Commission.

It is further agreed that the waters herein defined as boundary waters and waters flowing across the boundary shall not be polluted on either side to the injury of health or property on the other.

ARTICLE V.

The high contracting parties agree that it is expedient to limit the diversion of waters from the Niagara river, so that the level of Lake Erie and the flow of the stream shall not be appreciably affected. It is the desire of both parties to accomplish this object with the least possible injury to investments which have already been made in the construction of power plants on the United States side of the river under grants of authority from the State of New York, and on the Canadian side of the river under licenses authorized by the Dominion of Canada and the province of Ontario.

So long as this treaty shall remain in force no diversion of the waters of the Niagara river above the falls from the natural course and stream thereof shall be permitted except for the purposes and to the extent hereinafter provided.

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of twenty thousand cubic feet of water per second.

The United Kingdom, by the Dominion of Canada, or the province of Ontario, may authorize and permit the diversion within the province of Ontario of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of thirty-six thousand cubic feet of water per second.

The prohibitions of this article shall not apply to the diversion of water for sanitary or domestic purposes, or for the service of canals for the purposes of navigation.

ARTICLE VI.

The high contracting parties agree that the St. Mary and Milk rivers and their tributaries (in the State of Montana and the provinces of Alberta and Saskatchewan) are to be treated as one stream for the purposes of irrigation and power, and the waters thereof shall be apportioned equally between the countries, but in making such equal apportionment more than half may be taken from one river and less than half from the other by either country so as to afford a more beneficial use to each. It is further agreed that in the division of such waters during the irrigation season, between the 1st of April and 31st of October, inclusive, annually, the United States is entitled to a prior appropriation of 500 cubic feet per second of the waters of the Milk river, or so much of such amount as constitutes three-fourths of its natural flow, and that Canada is entitled to a prior appropriation of 500 cubic feet per second of the flow of St. Mary river, or so much of such amount as constitutes three-fourths of its natural flow.

The channel of the Milk river in Canada may be used at the convenience of the United States for the conveyance, while passing through Canadian territory, of waters diverted from the St. Mary river. The provisions of Article II.

SESSIONAL PAPER No. 157.

of this Treaty shall apply to any injury resulting to property in Canada from the conveyance of such waters through the Milk river.

The measurement and apportionment of the water to be used by each country shall from time to time be made jointly by the properly constituted reclamation officers of the United States and the properly constituted irrigation officers of His Majesty under the direction of the International Joint Commission.

ARTICLE VII.

The high contracting parties agree to establish and maintain an International Joint Commission of the United States and Canada composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the Governor in Council of the Dominion of Canada.

ARTICLE VIII.

The International Joint Commission shall have jurisdiction over and shall pass upon all cases involving the use or obstruction or diversion of the waters with respect to which under Articles III. and IV. of this treaty the approval of this Commission is required, and in passing upon such cases the Commission shall be governed by the following rules or principles which are adopted by the high contracting parties for this purpose:

The high contracting parties shall have, each on its own side of the boundary equal and similar rights in the use of the waters hereinbefore defined as boundary waters.

The following order of precedence shall be observed among the various uses enumerated hereinafter for these waters, and no use shall be permitted which tends materially to conflict with or restrain any other use which is given preference over it in this order of precedence:

- (1) Uses for domestic and sanitary purposes;
- (2) Uses for navigation, including the service of canals for the purposes of navigation;
- (3) Uses for power and for irrigation purposes.

The foregoing provision shall not apply to or disturb any existing uses of boundary waters on either side of the boundary.

The requirement for an equal division may in the discretion of the Commission be suspended in cases of temporary diversions along boundary waters at points where such equal division can not be made advantageously on account of local conditions, and where such diversion does not diminish elsewhere the amount available for use on the other side.

The Commission in its discretion may take its approval in any case conditional upon the construction of remedial or protective works to compensate so far as possible for the particular use or diversion proposed, and in such cases may require that suitable and adequate provision, approved by the Commission, be made for the protection and indemnity against injury of any interests on either side of the boundary.

In cases involving the elevation of the natural level of waters on either side of the line as a result of the construction or maintenance on the other side of remedial or protective works or dams or other obstructions in boundary waters or in waters flowing therefrom or in waters below the boundary in rivers flowing across the boundary, the Commission shall require, as a condition of

1-2 GEORGE V., A. 1911.

its approval thereof, that suitable and adequate provision, approved by it, be made for the protection and indemnity of all interests on the other side of the line which may be injured thereby.

The majority of the Commissioners shall have power to render a decision. In case the Commission is evenly divided upon any question or matter presented to it for decision, separate reports shall be made by the Commissioners on each side to their own government. The high contracting parties shall thereupon endeavour to agree upon an adjustment of the question or matter of difference, and if an agreement is reached between them, it shall be reduced to writing in the form of a protocol, and shall be communicated to the Commissioners, who shall take such further proceedings as may be necessary to carry out such agreement.

ARTICLE IX.

The high contracting parties further agree that any other questions or matters of difference arising between them involving the rights, obligations, or interests of either in relation to the other, or to the inhabitants of the other, along the common frontier between the United States and the Dominion of Canada, shall be referred from time to time to the International Joint Commission for examination and report, whenever either the government of the United States or the government of the Dominion of Canada shall request that such questions or matters of difference be so referred.

The International Joint Commission is authorized in each case so referred to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

Such reports of the Commission shall not be regarded as decisions of the questions or matters so submitted either on the facts or the law, and shall in no way have the character of an arbitral award.

The Commission shall make a joint report to both governments in all cases in which all or a majority of the Commissioners agree, and in case of disagreement the minority may make a joint report to both governments, or separate reports to their respective governments.

In case the Commission is evenly divided upon any question or matter referred to it for report, separate reports shall be made by the Commissioners on each side to their own government.

ARTICLE X.

Any questions or matters of difference arising between the high contracting parties involving the rights, obligations, or interests of the United States or of the Dominion of Canada, either in relation to each other or to their respective inhabitants, may be referred for decision to the International Joint Commission by the consent of the two parties, it being understood that on the part of the United States any such action will be by and with the advice and consent of the Senate, and on the part of His Majesty's government with the consent of the Governor General in Council. In each case so referred, the said Commission is authorized to examine into and report upon the facts and circumstances of the particular questions and matters referred, together with such conclusions and recommendations as may be appropriate, subject, however, to any restrictions or exceptions which may be imposed with respect thereto by the terms of the reference.

SESSIONAL PAPER No. 157.

A majority of the said Commission shall have power to render a decision or finding upon any of the questions or matters so referred.

If the said Commission is equally divided or otherwise unable to render a decision or finding as to any questions or matters so referred, it shall be the duty of the Commissioners to make a joint report to both governments, or separate reports to their respective governments, showing the different conclusions arrived at with regard to the matters or questions so referred, which questions or matters shall thereupon be referred for decision by the high contracting parties to an umpire chosen in accordance with the procedure prescribed in the fourth, fifth and sixth paragraphs of Article XLV. of The Hague Convention for the Pacific settlement of international disputes, dated October 18, 1907. Such umpire shall have power to render a final decision with respect to those matters and questions so referred on which the Commission failed to agree.

ARTICLE XI.

A duplicate original of all decisions rendered and joint reports made by the Commission shall be transmitted to and filed with the Secretary of State of the United States and the Governor General of the Dominion of Canada, and to them shall be addressed all communications of the Commission.

ARTICLE XII.

The International Joint Commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the Commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two governments. Each Commissioner, upon the first joint meeting of the Commission after his appointment, shall before proceeding with the work of the Commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the Commission.

The United States and Canadian sections of the Commission may each appoint a secretary, and these shall act as joint secretaries of the Commission at its joint sessions and the Commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the Commission and of the secretaries shall be paid by their respective governments, and all reasonable and necessary joint expenses of the Commission, incurred by it, shall be paid in equal moieties by the high contracting parties.

The Commission shall have power to administer oaths to witnesses and to take evidence on oath whenever deemed necessary in any proceeding, or inquiry, or matter within its jurisdiction under this treaty, and all parties interested therein shall be given convenient opportunity to be heard, and the high contracting parties agree to adopt such legislation as may be appropriate and necessary to give the Commission the powers above mentioned on each side of the boundary, and to provide for the issue of subpoenas and for compelling the attendance of witnesses in proceedings before the Commission. The Commission may adopt such rules of procedure as shall be in accordance with justice and equity, and may make such examination in person and through agents or employees as may be deemed advisable.

1-2 GEORGE V., A. 1911.

ARTICLE XIII.

In all cases where special agreements between the high contracting parties hereto are referred to in the foregoing articles, such agreements are understood and intended to include not only direct agreements between the high contracting parties, but also any mutual arrangement between the United States and the Dominion of Canada expressed by concurrent or reciprocal legislation on the part of Congress and the Parliament of the Dominion.

ARTICLE XIV.

The present treaty shall be ratified by His Britannic Majesty and by the President of the United States of America by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible and the treaty shall take effect on the date of the exchange of its ratifications. It shall remain in force for five years, dating from the day of exchange of ratifications, and thereafter until terminated by twelve months' written notice given by either high contracting party to the other.

In faith whereof the respective plenipotentiaries have signed this treaty in duplicate and have hereunto affixed their seals.

Done at Washington, the 11th day of January, in the year of our Lord, one thousand nine hundred and nine.

RIDER ATTACHED BY UNITED STATES SENATE.

IN EXECUTIVE SESSION,

SENATE OF THE UNITED STATES, March 3, 1909.

Resolved (Two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the treaty between the United States and Great Britain, providing for the settlement of international differences between the United States and Canada, signed on the 11th day of January, 1909.

Resolved further (As a part of this ratification), That the United States approves this treaty with the understanding that nothing in this treaty shall be construed as affecting, or changing, any existing territorial, or riparian rights in the water, or rights of the owners of lands under water, on either side of the international boundary at the rapids of the St. Mary's river at Sault Ste. Marie, in the use of the waters flowing over such lands, subject to the requirements of navigation in boundary waters and of navigation canals, and without prejudice to the existing right of the United States and Canada, each to use the waters of the St. Mary's river, within its own territory; and, further, that nothing in this treaty shall be construed to interfere with the drainage of wet, swamp, and overflowed lands into streams flowing into boundary waters, and that this interpretation will be mentioned in the ratification of this treaty as conveying the true meaning of the treaty, and will, in effect, form part of the treaty.

BRITISH EMBASSY,

WASHINGTON, February 3, 1911.

MY LORD,—

I have the honour to forward herewith, as Your Excellency requested, two copies of the Bill for the improvement of the St. Lawrence, which has just been

SESSIONAL PAPER No. 157.

reported by the Committee on Rivers and Harbours, and also two copies of the Report.

The provisions made for safeguarding the rights of the Canadian Government in the Bill and the powers conferred are in Section 2 declared to be subject to the provisions of the Boundary Waters Treaty of 1909. It would seem to be a matter for the consideration of Your Excellency's Government whether it might not be advisable to conclude some permanent arrangement with the United States Government for regulating the procedure in similar cases in future, for the purpose of providing in the common interest of both countries that all projects of an international character for works to be carried out in boundary waters, should in the first instance be submitted to the Waterways Commission for a report or decision at the earliest possible stage of such a project.

Should Your Excellency's Government after consideration be of opinion that suggestions on this or other similar points might usefully be made, an early opportunity might be taken of sounding the United States Government on the subject.

I have the honour to be, My Lord,

Your Excellency's most obedient, humble servant,

(Sgd.) BRYCE.

To His Excellency, The Right Honourable,

The Earl Grey, G.C.M.G., etc., etc., etc., the Governor General.

61st Congress,
3rd Session.

H. R. 32219.

[Report No. 2032.]

IN THE HOUSE OF REPRESENTATIVES,

January 28, 1911.

MR. YOUNG of Michigan introduced the following Bill; which was referred to the Committee on Rivers and Harbours, and ordered to be printed.

JANUARY 31, 1911.

Referred to the House Calendar and ordered to be printed.

A BILL

To provide for the improvement of navigation in the Saint Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein, at and near Long Sault, Barnhart, and Sheek Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Long Sault Development Company, a corporation organized under a law of the State of New York, entitled "An Act to incorporate the Long Sault Development Company, and to authorize said company to construct and main-

1-2 GEORGE V., A. 1911.

tain dams, canals, power houses, and locks at or near Long Sault Island, for the purpose of improving the navigation of the Saint Lawrence River and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," which became effective May twenty-third, nineteen hundred and seven, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate for navigation, water power, and other purposes for a period of ninety-nine years a dam or dams in so much of the Saint Lawrence River as lies south of the international boundary line between the United States of America and the Dominion of Canada, near Long Sault, Barnhart, and Sheek Islands, either independently or in connection with like works now erected or to be erected in so much of said river as lies north of said international boundary line, with a bridge or bridges and approaches thereto, and a lock or locks, a canal or canals, and other structures appurtenant thereto: *Provided*, That such dam or dams, lock or locks, canal or canals, and other structures appurtenant thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the Act entitled "An Act to amend an Act entitled 'An Act to regulate the construction of dams across navigable waters,'" approved June twenty-third, nineteen hundred and ten: *Provided further*, That such bridge or bridges and approaches thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six: *And provided further*, That the Secretary of War shall cause a survey of that portion of the Saint Lawrence River to be affected by said improvements, to be made with a view to securing a navigable channel, suitable for commerce up and down said river, from a point opposite the western end of Croil Island to a point opposite the eastern end of Barnhart Island, together with plans and specifications therefor, and all rights herein granted to the Long Sault Development Company shall be conditional on its improvement of said channel at its own expense, in accordance with said plans and specifications, said channel to be completed simultaneously with the other works herein authorized, all expenses connected with such survey and the preparation of such plans and specifications to be paid by the said company, its successors, or assigns.

SEC. 2. That said Long Sault Development Company, its successors and assigns, shall be subject to the provisions of the treaty between the United States and Great Britain relative to the boundary waters between the United States and Canada, proclaimed by the President of the United States on the thirteenth day of May, nineteen hundred and ten.

SEC. 3. That the actual construction of the works hereby authorized shall be commenced within two years and shall be completed within fifteen years from the date of the passage of this Act; otherwise this Act shall be void, and the rights hereby conferred shall cease and be determined.

SEC. 4. That if said Long Sault Development Company, or any other company or companies acting with it in such development, shall develop power by the construction of works a part of which shall be located north of the international boundary line, at least one-half of the power generated shall be delivered in the United States: *Provided*, That when in the opinion of the Secretary of War and the Chief of Engineers use can not be found in the United States for the full share thus assigned to this country the surplus may be temporarily diverted to Canada, but shall be returned to the United States when

SESSIONAL PAPER No. 157.

in the opinion of said officers it is needed: *Provided further*, That nothing herein contained shall be construed to prevent the importation from Canada of the whole or any part of the power generated from any of the said works in the Saint Lawrence River.

SEC. 5. That should the works hereby authorized be or become at any time in the opinion of the Secretary of War and the Chief of Engineers, inadequate to accommodate, or an interference with, the navigation of that portion of the Saint Lawrence River affected thereby, said company, its successors or assigns, shall, under the supervision of the Secretary of War and the Chief of Engineers, make adequate provision for the accommodation of navigation; and should said company, its successors or assigns, fail so to do, the United States Government shall, under the supervision of the Secretary of War and the Chief of Engineers, do anything required to make such provision for navigation, and the expense thereof shall constitute a debt of said company, its successors or assigns, and a lien upon all its property.

SEC. 6. That the Long Sault Development Company shall execute a bond obligatory on itself, its successors and assigns, with good and solvent sureties in the sum of five hundred thousand dollars, payable to the United States, for the use and benefit of the riparian and other landowners in and along the Saint Lawrence River conditioned to pay all damages that may accrue to them, or any of them, by reason of overflow, ice jams, and other causes produced by the erection or maintenance of said dam or dams, and the work of construction shall not commence until said bond is executed and approved by the Secretary of War and deposited in the War Department.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof.

61st Congress,
3rd Session.

Report
No. 2032.

HOUSE OF REPRESENTATIVES.

IMPROVEMENT OF THE ST. LAWRENCE RIVER.

JANUARY 31, 1911.—Referred to the House Calendar and ordered to be printed, with illustrations.

MR. YOUNG of Michigan, from the Committee on Rivers and Harbours, submitted the following

R E P O R T .

[To accompany H. R. 32219.]

The Committee on Rivers and Harbours in presenting the accompanying bill to provide for the improvement of navigation in the St. Lawrence River submits the following explanation thereof, and recommends that the bill do pass:

I. THE PROVISIONS OF THE BILL.

The bill authorizes the Long Sault Development Co., a corporation organized under a special law of the State of New York for the purpose of

1-2 GEORGE V., A. 1911.

improving navigation and creating power, to construct, maintain and operate for a period of 99 years for navigation, water power, and other purposes, a dam or dams, with a bridge or bridges and approaches and a lock or locks and canal or canals, in that portion of the St. Lawrence River lying south of the international boundary line near Long Sault, Barnhart, and Sheek Islands, a few miles east of the town of Massena, St. Lawrence County, N.Y., either independently or in connection with like works now erected or to be erected in so much of said river as lies north of the international boundary line.

The act provides that such work shall be constructed, maintained, modified, or removed in all respects subject to and in accordance with the general dam act approved June 23, 1910, and the general bridge act, approved March 23, 1906.

The St. Lawrence River where the work is to be done is a boundary river between the United States and Canada. Therefore the bill makes the Long Sault Development Co., its successors and assigns, subject to the provisions of the treaty between the United States and Great Britain relative to boundary waters between the United States and the Dominion of Canada. It is believed to be probable that under the terms of that treaty the consent and approval of the International Waterways Commission, provided for therein, will have to be obtained before the work can begin. In addition the work to be carried on is a very large one. For these reasons it has been provided that the company may have two years to begin the work and 15 years to complete it.

The bill further provides that should the Long Sault Development Co. or any other company or companies acting in concert with it extend its works beyond the international boundary line into Canadian waters, which would practically involve damming the whole river, that in such case at least one-half of the power developed by the completed works shall be delivered in the United States when needed.

It is believed by your committee that the interests of navigation and that of the Government and people of the United States are completely safeguarded by the provisions of the general dam act, the general bridge act, and by the third proviso of section 1, together with sections 6 and 6 of the pending bill. This question will be discussed more at length later in this report.

II. THE LEGISLATION OF THE STATE OF NEW YORK.

The Long Sault Development Co. owes its origin to an act of the Legislature of the State of New York, passed by a two-thirds vote, which received the approval of Gov. Charles E. Hughes. The act created the Long Sault Development Co. as a corporation with the usual powers of corporations, and in addition granted it the right to build works in the St. Lawrence River near Long Sault Island, or Barnhart Island, "but not north of the international boundary line, unless consented to by the Dominion of Canada," for the purpose of improving navigation and creating a water power and generating electrical power therefrom. This act fully recognized the jurisdiction of Congress over the question of navigation in the St. Lawrence River. The bill in its original form did not provide for any compensation to the State of New York for the rights granted in the St. Lawrence River. This was not satisfactory to Gov. Hughes, and at his suggestion the bill was recalled by the Legislature and the matter of compensation to the State was then thoroughly canvassed by the governor with the aid of Mr. Frederick Stevens, superintendent of public works of the State of New York, and the engineer and surveyor of that State upon

SESSIONAL PAPER No. 157.

one side, and the president of the Long Sault Development Co. and Mr. John R. Freeman, a distinguished engineer, upon the other side. These investigations were carried on through a period of several weeks, when a conclusion was reached by the governor as to the compensation which ought to be charged the Long Sault Development Co. for the privileges created. His views upon the subject were known to the Legislature and the bill was amended in accordance therewith, passed, and received his approval and became a law May 23, 1907.

It provides for the deeding by the State to the Long Sault Development Co. of the bed of the St. Lawrence River at the points designated for which it was to be paid the sum of \$10,000. All portions of the river bed not actually used by the said company for the building of its works are to revert to the State of New York. In addition said company to pay the State of New York for the year 1910, the sum of \$15,000, for 1911 the sum of \$20,000, and for each year thereafter upon the amount of power generated during each year up to 25,000 electrical horsepower at the rate of 75 cents per horsepower on all amounts in excess of 25,000 and up to 100,000 horsepower at the rate of 50 cents per horsepower and upon all amounts in excess of 100,000 horsepower at the rate of 25 cents per horsepower; provided that in no year after 1911 shall the amount paid the State be less than \$25,000. It was stated in the act that these payments were based upon the assumption that under this act, and subject to the lawful control of the United States Government, the Long Sault Development Co. might use all of the waters of the St. Lawrence River south of the International boundary line, and that in case said company should at any time be compelled to make any payment to the Dominion of Canada or the Province of Ontario for the use of such water (i.e., the water south of the international boundary line), an equitable adjustment of the amount of compensation to be paid to the State of New York should be made.

It was stated before your committee by witnesses, who were present at the negotiations with Gov. Hughes, that the reason why a lower rate of compensation was fixed for amounts in excess of 25,000 horsepower up to 100,000 horsepower, than for amounts below 25,000 horsepower, and a still lower rate for amounts in excess of 100,000 horsepower, was that the locality where this power was to be developed was a remote one, far distant from cities of large population, and that the industries to consume this power would have to be attracted to the spot by favourable terms. That it would be easy to dispose of a certain amount of this power, possibly up to 100,000 horsepower, but that in excess of that amount it would be difficult to find users, and that it was therefore wise to make lower terms for it.

The Long Sault Development Co. upon receiving the charter from the State of New York began preparation for exercising its rights thereunder, and has already expended about one and three-fourths million of dollars in the purchase of properties and preparation for developing water power in the St. Lawrence River on a comprehensive plan.

III. THE RIGHTS OF THE STATE OF NEW YORK.

It will be observed that this legislation of the State of New York is based upon the proposition that the State of New York owns the bed of the stream south of the international boundary line and is entitled to use the waters for water power, subject of course to the control of Congress for navigation purposes, and has the power to convey such rights to third parties. Your Committee gave very careful consideration to this question. Without entering into

1-2 GEORGE V., A. 1911.

an elaborate discussion of these legal questions it will be sufficient to state that both propositions seem to be firmly established not only by the decisions of the courts of the State of New York, but by the courts of the United States as well.

Among the cases holding that the State of New York is the owner of the bed of the stream of navigable rivers within its boundaries are the following:

Fulton Light Co. *v.* State of N. Y. (65 Misc. N. Y., 263.)
 Niagara Irrigation Co. *v.* College Heights Co. (111 App. Div., 770).
 Pipe Line *v.* N. Y. & Lake Erie R. R. Co. (10 Abb. New Cas., 107).
 In Matter of State Reservation (37 Hun., 537).
 Canal Appraisers *v.* Tibbets (17 Wend., 570).
 People *v.* Gillette (11 N. Y., Supp., 461).
 Thousand Island Steamboat Co. *v.* Visger (179 N. Y., 206).
 Barney *v.* Keokuk (94 U. S., 324).
 Illinois Central R. R. Co. *v.* Illinois (146 U. S., 387).
 Shively *v.* Bowlby (152 U. S., 1).
 Scranton *v.* Wheeler (57 Fed. Rep., 803).
 Packer *v.* Bird (137 U. S., 661).
 Pollard's Lessee *v.* Hagan (3 Howard, 212).
 Martin *v.* Waddel (16 Peters, 367).
 Good Title *v.* Kibbe (9 Howard, 471).
 United States *v.* Chandler-Dunbar Co. (200 U. S., 447).
 Rumsey *v.* N. Y. & N. E. R. R. Co. (63 Hun., 200).

In *Barney v. Keokuk* (94 U. S., 338) the court says that there is "no sound reason for adhering to the old rule as to the proprietorship of the beds and shores of such (i.e., navigable) waters. It properly belongs to the States by their inherent sovereignty, and the United States has wisely abstained from extending (if it could extend) its survey and grants beyond the limits of high water."

In *Pollard's Lessee v. Hagan* (3 Howard, 212) the United States had attempted by patent to convey the bed of the Alabama River and the Supreme Court held the patent void because the United States by its acquisition of Alabama, through treaty with Spain, had never acquired any title to soil under the navigable rivers and none had been conferred by the Constitution of the United States.

In *Scranton v. Wheeler* (57 Fed. Rep., 803) Justice Lurton, now one of the justices of the Supreme Court of the United States, said at page 810:

The doctrine that the title to the submerged lands within the banks of navigable rivers belongs to the States respectively within which such rivers are situate and not the United States was settled at an early date and has never been questioned.

In 1905 Gen. Mackenzie, Chief of Engineers, made a report to the Secretary of War, Mr. Taft, upon a bill then pending in Congress, in which he said:

The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the

SESSIONAL PAPER No. 157.

people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

The Secretary of War, William H. Taft, adopted the report of Gen. Mackenzie and stated that it was "comprehensive, accurate, and instructive." Subsequently, in 1907, a hearing was held before Mr. Taft, still Secretary of War, in relation to the water power of the Des Plaines and Illinois Rivers. It appeared that the Des Plaines River was probably not a navigable stream. But the Secretary of War, in deciding the application, said:

But even if it had been a navigable stream, and even if the application had been made, and properly made to this department, to say whether this would interfere with navigation if the department concluded it would not interfere with navigation, then it is not within the power of the department to withhold its expressing such an opinion and granting such a permit, so far as the United States is concerned, for the purpose of aiding the State in controlling the water power. If the State has any control over the water power, which it may exercise in conflict with the claimed rights of the riparian owner, then it must exercise it itself, through its own legislation and through its own executive officers. All the United States does, assuming it to be a navigable stream, is merely to protect the navigation of the stream. With reference to the water power, it has no function except in respect to water power which it itself creates by its own investment in property that it itself owns; and then, of course, it may say how that water power shall be used.

But with respect to the water power on a navigable stream, which may be exercised without interference with the use of the river for navigation purposes, that is controlled by the laws of the State. It is controlled by the riparian ownership and by the common law as it governs those rights. Therefore, I do not see, with reference to this matter, that this department has any function to perform or which it can perform.

The above are but a few of the authorities which may be quoted to the same effect. Your committee has been unable to find a single judicial opinion to the contrary.

It will be observed that several of the above cases relate to the Niagara River and one to the St. Mary's River, both of which are boundary streams between the United States and Canada, and no distinction is made as to the ownership of submerged lands in boundary and in other navigable rivers which are entirely within a State. The conclusion of your committee is therefore that the ownership of the State of New York of the submerged lands under the St. Lawrence River, south of the international boundary line, is too firmly established by a long and unvarying line of precedents to be now seriously questioned.

To the proposition that the State being the owner of the submerged lands may develop water power therein and transfer such right to a third party, the following cases may be quoted:

Thousand Island Steamboat Co. *v.* Visger (179 N. Y., 206).

Langdon *v.* Mayor (93 N. Y., 129).

People *v.* N. Y. & Staten Island Ferry Co. (68 N. Y., 71).

1-2 GEORGE V., A. 1911.

Hoboken *v.* Penn. R. R. Co. (124 U. S., 656).
 Huse *v.* Glover (15 Fed., 292; S. C. 119 U. S., 543).
 Navigation Co. *v.* United States (148 U. S., 312).
 Sands *v.* Manistee River Improvement Co. (123 U. S., 288).
 Green Bay & Miss. Canal Co. *v.* Patten Paper Co. (172 U. S., 58).
 Kaukaua Water Power Co. *v.* G. B. & Miss. Canal Co. (142 U. S., 254).
 People *v.* Tibbets (19 N. Y., 523).

In People *v.* Tibbets, the court says:

It is beyond dispute that the State is the absolute owner of the navigable rivers within its borders, and that as such owner it can dispose of them to the exclusion of the riparian owners. In this case the State executed its power of disposition in making the lease, and consequently such lease is valid.

In Hoboken *v.* Pennsylvania Railroad Co. (124 U. S., 656) Mr. Justice Matthews, expressing the opinion of the court, said (p. 691) that the State had the power to grant submerged lands of navigable waters to individuals and that "under these grants the land conveyed is held by the grantees on the same terms on which all other lands are held by private persons under absolute titles, and every previous right of the State of New Jersey therein, whether proprietary or sovereign, is transferred or extinguished, except such sovereign rights as the State may lawfully exercise over all other private property."

In Monongahela Navigation Co. *v.* United States (148 U. S., 312) it was held that a State might authorize a private company to construct a dam, or other work, in connection with the improvement of navigation, and might further authorize the company to exact tolls.

These cases are conclusive on the question of the right of the State of New York to grant the exclusive use of the waters in the St. Lawrence River, south of the international boundary line, to the Long Sault Development Co., subject, of course, to the control of Congress in the interest of navigation.

It appears clear, therefore, to your committee that the State of New York was at the time it created the Long Sault Development Co. the owner of the bed of the St. Lawrence River, south of the international boundary line, and had the right to use the waters therein for developing water power; that it had power to convey this right to a third party, and that it had done so through the act of its Legislature; that this action was not taken hurriedly or in the night-time, but after due deliberation, with full knowledge of all the facts before it, and that its action received the approval of Gov. Hughes, than whom no official has ever been more alive to the duty of protecting the interests of all the people.

Believing, therefore, that the State having rights in the waters of the St. Lawrence River, and the United States having another right therein, in the interest of navigation, comity between the State and Nation, and fair dealing between trustees representing different interests in a common property, required that, if possible, the rights of both State and the Nation should be recognized and given full effect and that the power of the National Government should not, under the guise of protecting navigation, or from merely fanciful imaginary and indefinable fears of possible evils, be used to thwart the wishes of the State as expressed by its Legislature and executive, nor to destroy its property, but that an honest attempt should be made to reconcile the interests of both the State and the Nation, and so legislate that both might be benefited by the action taken, your committee has given its chief attention to the question of improving navigation in connection with the development of water power under

SESSIONAL PAPER No. 157.

authority of the State of New York. It believes that these two objects may be pursued together, not only without detriment to either, but with mutual advantage to both.

IV. THE LOCUS IN QUO.

The St. Lawrence River, from Lake Ontario to its mouth, is navigable, except at a number of rapids up which boats can not go, and down which it is safe for very few boats to go. To provide for navigation at these points the Government of Canada has, at much expense, built canals upon the Canadian side of the river. One of these rapids occurs in the main channel of the river between Long Sault Island and Barnhart Island. It is known as the Sault Rapids. Long Sault Island is entirely in the territory of the United States. To the north of Long Sault Island is situated Sheek Island, entirely in Canadian territory, and to the south of Sheek Island and east of Long Sault Island is situated Barnhart Island, entirely in the territory of the United States. The distance from the western end of Long Sault Island to the eastern end of Barnhart Island is 11 miles. Long Sault Island divides the river into two channels, the main channel north of the island and the South Sault channel south of the island. About 20 per cent. of the waters of the river flow through the South Sault channel and 80 per cent. of the waters flow through the main or northern channel to the eastern end of Long Sault Island, where about 5 per cent. of the waters flow to the east through the Little Channel, so called, between Sheek and Barnhart Islands, through which the international boundary line runs, while the main channel through which 75 per cent. of all the river flows is diverted to the south and its waters pour over the Long Sault Rapids between Long Sault and Barnhart Islands. The head of water that can be obtained just below these rapids is 35 or 40 feet. The evidence before your committee showed that about 100,000 horsepower could be developed in the South Sault Channel alone by works situated south of the international boundary line, and that if works were extended through the main and little channels to the Canadian shore the amount could be increased to approximately 500,000 horsepower.

The accompanying map shows the location and the works as proposed by the Long Sault Development Co. It must be remembered, however, that those on the American side may be greatly modified by the Secretary of War and the Chief of Engineers, and that those on the Canadian side are subject to modifications or rejection by the Canadian authorities.

V. IMPROVEMENT OF NAVIGATION.

The South Sault Channel and the Little Channel in their present condition, are not navigable for boats of ordinary size. The main channel between Long Sault Island and Barnhart Island is not navigable for any boats going upstream, nor it is navigable for any freight boats going downstream. Practically the only navigation through that part of the river is provided by one passenger boat a day for three or four months each year. This boat draws but about six feet of water and passes down over the rapids, but can not ascend them. The excitement caused by the swirl of the water and the danger forms the chief attractions for this attempt. The real provision for navigation around the rapids is furnished by the Cornwall Canal, which opens from the main channel of the river north of Long Sault Island, passes into a little lake north of Sheek Island, passes through the lake, and proceeding thence along the north

1-2 GEORGE V., A. 1911.

bank of the river enters the main stream at Cornwall, some distance east of Barnhart Island.

There are six locks in this canal and the passage through it is very slow. It was stated to your committee by Mr. ——— Kennedy, a Canadian engineer of the highest standing, who represented the Harbour Commission of the City of Montreal, that the St. Lawrence canals were rapidly becoming obsolete and that the subject of canalizing the river must soon be considered in order to provide for larger boats and a greater amount of business. The proposed plan will provide for navigation in the river with but one lock and will be a very substantial improvement.

This bill provides that the general dam act shall apply to all works erected in the St. Lawrence River south of the international boundary line. It may be well, therefore, to examine some of the provisions of that wise act of legislation, reported by the Committee on Interstate and Foreign Commerce, intended to safeguard the interest of navigation. It provides that no work of the character contemplated by the pending bill can be begun in any navigable stream until complete plans therefor have been submitted to the Secretary of War and Chief of Engineers and have received their approval, and, further, that no deviation can be made therefrom without the consent of such officials. It provides that the Chief of Engineers and the Secretary of War in approving the plans and location for such works may impose such conditions and stipulations as they may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, or operate without expense to the United States a lock or locks, boom, sluice, or any other structure which they or Congress at any time may deem necessary in the interest of navigation, and that the persons building such locks shall convey to the United States title to all land for such construction and approaches and furnish free water for operating the same.

It protects third parties by the provision that the parties who construct the works shall be liable for all damage caused to third parties by overflow or otherwise. It is provided further that in approving such plans the Chief of Engineers and the Secretary of War shall take into consideration the effect of such structure upon a comprehensive plan for the improvement of the waterway, and that they may fix such charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time said privilege is granted, or reimburse the United States for doing the same or for any expense it may incur in connection with such project. It provides further that all rights acquired shall cease if the party acquiring them shall fail after reasonable notice to comply with any of the provisions or regulations of the act, or with any of the stipulations and conditions that may be prescribed by the Chief of Engineers and Secretary of War, and reserves the right to revoke any right conferred under the act whenever it is necessary for public use, but in that event the United States is to pay reasonable compensation to the party injured. It further provides that on failure to comply with any lawful order of the Secretary of War and Chief of Engineers, such officers may cause the removal of all works as an obstruction to navigation, at the expense of the persons owning or controlling them; and the right is reserved to alter, amend, or repeal the act without incurring liability therefor to the owner or owners or any persons interested in such works. It will be seen that this act is most carefully drawn and drastic in its provisions, and that nearly every contingency which human wisdom can foresee has been provided for.

SESSIONAL PAPER No. 157.

VI. INCREASED SAFEGUARDS OF NAVIGATION.

But your committee, in view of the great extent of the works contemplated at this point, of the great importance of the St. Lawrence River and of its international character, have not been content to rest on the general dam act alone but have added to its wise provisions. Your committee was not willing to leave entirely to the discretion of the Secretary of War and the Chief of Engineers the determination of the question as to what provision for navigation should be made at this point. The third proviso of section 1 of the pending bill provides that a survey shall be made under authority of the Secretary of War of that portion of the St. Lawrence River to be affected by such improvement, with a view to securing a navigable channel suitable for commerce up and down said river, from a point opposite the western end of Long Sault Island to a point opposite the eastern end of Barnhart Island, together with plans and specifications therefor and that all rights granted in said bill to the Long Sault Development Co. shall be conditioned on its improvement of said channel at its own expense in accordance with said plans and specifications, said channel to be completed simultaneously with said other works herein authorized. In other words, the Long Sault Development Co. as a condition for being permitted to carry out its project is required at its own expense to furnish a suitable channel for navigation up and down the river through the Long Sault Rapids.

That such a plan is entirely feasible was stated to your committee by such eminent engineers as Mr. Alfred Noble and Mr. John R. Freeman. It will require but one lock in place of the six locks of the Cornwall Canal. Instead of that narrow channel it will provide a channel not less than 600 feet in width. It will be of great and substantial improvement of navigation, and under the wise direction of the Chief of Engineers and the Secretary of War can easily be made to fit into a comprehensive scheme for the canalization of the whole river.

The bill also contains a provision which in the judgment of your committee amplifies and extends the power of the Chief of Engineers and the Secretary of War beyond that prescribed in the general dam act, in that it compels the Long Sault Development Co., its successors or assigns, to make at its own expense adequate provisions for the changing and increasing demands of commerce. Section 5 provides:

SEC. 5. That should the works hereby authorized be or become at any time in the opinion of the Secretary of War and the Chief of Engineers, inadequate to accommodate, or should they otherwise interfere with the navigation of that portion of the Saint Lawrence River affected thereby, said company, its successors or assigns, shall, under the supervision of the Secretary of War and the Chief of Engineers, make adequate provision for the accommodation of navigation; and should said company, its successors or assigns, fail so to do, the United States Government shall, under the supervision of the Secretary of War and the Chief of Engineers, do the work required to make such provision for navigation, and the expense of such work shall constitute a debt of said company, its successors or assigns, and a lien upon all its property.

And, finally, the right to alter, amend, or repeal the act is expressly reserved, and it is provided that the United States shall incur no liability because of the amendment, alteration, or repeal thereof.

To sum up, your committee believes that the proposed improvement when worked out under the wise supervision of the Secretary of War and the Chief

1-2 GEORGE V., A. 1911.

of Engineers, without any cost to the United States, will bring about a very substantial improvement of the navigation of the St. Lawrence River. That it will do away entirely with the dangers of the rapids and shorten by over from four to six hours the time consumed in the trip each way by the route through the Cornwall Canal and furnish a suitable channel for commerce entirely in American territory. At the same time and as incidental to navigation, the development of the water power under the authority of the State of New York will bring a considerable revenue to that State, utilize the natural resource that has heretofore run to waste, give employment to several thousand American workmen, and build up a prosperous manufacturing city in northern New York.

*Copy.**Telegram.*

OTTAWA, 7th February, 1911.

RIGHT HON. JAMES BRYCE,
British Embassy,
Washington, D.C.

Can you postpone further action being taken on Long Sault Rapids until end of this week. We are considering matter here, and as we have been very busy we require two or three days to work it out.

WILFRID LAURIER.

*Copy.**Telegram.*

WASHINGTON, D.C., Feb. 8, 1911.

SIR W. LAURIER,
Ottawa.

Your telegram last night Long Sault Rapids defeated in house yesterday bill similar terms before committee of senate stop. Am making inquiries regarding its prospects and will proceed in sense of your telegram.

BRYCE.

Copy.

LORD GREY TO MR. BRYCE.

OTTAWA, February 11th, 1911.

Without committing themselves to an approval of any portion of the scheme to authorize the Long Sault Development Company to dam the St. Lawrence or any part of it, my advisers desire you to call the attention of the proper authorities to the following: In view of the provisions of the Ashburton Treaty and of the recent treaty with regard to boundary waters, requiring that the waters of the St. Lawrence at the place where the proposed works are to be undertaken be kept equally free and open to the people of both countries, and in view also of the fact that the construction of the proposed works in the South Sault Channel (south of the Long Sault Island) may alter the level of the water on the Canadian side of the boundary, it should be provided that before the said works in the South Sault Channel shall be undertaken, the plans and specifications thereof shall be submitted to and approved by the International Joint Commission to be appointed under the Boundary Waters Treaty.

SESSIONAL PAPER No. 157.

My advisers are of the opinion that there are objections of a serious character against obstructing the main channel of the St. Lawrence at the Sault both on the ground that such main channel has always been open to navigation, and because such obstruction would mar the scenic beauty of the River at this point, and would certainly alter the level of the water on the Canadian side of the boundary.

My advisers desire you to urge that the clauses in the Bill now before Congress relating to the above subjects, which provide for any works other than in the South Sault Channel, shall be entirely omitted from the Bill.

Copy.

Telegram.

Code.

FROM MR. BRYCE TO LORD GREY.

WASHINGTON, 13th Feb., 1911.

Sault Bill. Your Lordship's telegram communicated to Department of State yesterday. This evening Chairman of Committee of Senate sent following proposition suggested by promoters of Bill:

"Always provided that before any works are commenced in the channel "to the South of Long Sault Island, plan of them must be sanctioned by International Joint Commission and always provided that further that any "work hereby authorized other than in the channel to the South of Long Sault "Island will not be commenced until suggested approval of proper authorities "of Dominion of Canada thereto has been obtained."

Questioned. Chairman of Committee says that this is only concession promoters ready to make as yet, with exception of perhaps decrease of time from 99 years to 65 years. He will be glad if you could reply as soon as possible: question will be decided by Wednesday afternoon. It is probable that promoters bills on in Senate are stronger than in House of Representatives in which they are being threatened with serious opposition.

(Sgd.) BRYCE.

Copy.

Telegram.

LORD GREY TO MR. BRYCE.

OTTAWA, 15th February, 1911.

Suggested amendment would considerably improve Bill as it now stands, but my Ministers still adhere to the position taken by them in my last telegram.

(Sgd.) GREY.

No. 31.

BRITISH EMBASSY,

WASHINGTON, February 21, 1911.

MY LORD,—

I have the honour to forward herewith copies of the Long Sault Dam Bill, as reported by the Senate Committee on Commerce. The Report of the Committee will follow as soon as received.

1-2 GEORGE V., A. 1911.

The amendments introduced are shown in italics.

I have the honour to be, My Lord,

Your Excellency's most obedient,

humble servant,

(Sgd.) BRYCE.

P.S.—Since writing the above I have received the Report of the Committee and enclose copies herewith.

His Excellency

The Right Honourable

The Earl Grey, G.C.M.G.,

etc., etc., etc.,

The Governor General.

[SECOND COMMITTEE PRINT.]

61st Congress,
3rd Session.

S. 10558.

IN THE SENATE OF THE UNITED STATES.

January 30, 1911.

MR. OLIVER introduced the following bill; which was read twice and referred to the Committee on Commerce.

February 20, 1911.

Reported by Mr. Burton, with amendments.

[Omit the part struck through and insert the part printed in italic.]

A BILL

To provide for the improvement of navigation in the Saint Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That the Long Sault Development Company, a corporation organized under a law of the State of New York, entitled "An act to incorporate the Long Sault Development Company, and to authorize said company to construct and maintain dams, canals, power houses, and locks at or near Long Sault Island, for the purpose of improving the navigation of the Saint Lawrence River and developing power from the waters thereof, and to construct and maintain a bridge, and carry on the manufacture of commodities," which became effective May twenty-third, nineteen hundred and seven, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate for navigation, water power, and other purposes for a period of ninety nine years *ter-*

SESSIONAL PAPER No. 157.

minating fifty years after the expiration of the time allotted by this Act for the completion of the works hereby authorized, a dam or dams in so much of the Saint Lawrence River as lies south of the international boundary line between the United States of America and the Dominion of Canada, near Long Sault, Barnhart, and Sheek Islands, either independently or in connection with like works now erected or to be erected in so much of said river as lies north of said international boundary line, with a bridge or bridges and approaches thereto, and a lock or locks, a canal or canals, and other structures appurtenant thereto: Provided, That such dam or dams, lock or locks, canal or canals, and other structures appurtenant thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the Act entitled "An Act to amend an Act entitled 'An Act to regulate the construction of dams across navigable waters,' " approved June twenty-third, nineteen hundred and ten: Provided further, That such bridge or bridges and approaches thereto, except as herein otherwise provided, shall be constructed, maintained, operated, modified, or removed in all respects subject to and in accordance with the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters," approved March twenty-third, nineteen hundred and six: And provided further, That the Secretary of War shall cause a survey of that portion of the Saint Lawrence River to be affected by said improvements to be made with a view to securing a navigable channel, suitable for commerce up and down said river, from a point opposite the western end of Croil Island to a point opposite the eastern end of Barnhart Island, together with plans and specifications therefor, and all rights herein granted to the Long Sault Development Company shall be conditional on its improvement of said channel at its own expense, including such dam or dams, lock or locks, and appurtenances thereto as may be necessary for navigation as herein provided, in accordance with said plans and specifications, said channel to be completed simultaneously with the other works herein authorized, all expenses connected with such survey and the preparation of such plans and specifications to be paid by the said company, its successors or assigns.

SEC. 2. That said Long Sault Development Company, its successors and assigns, shall be subject to the provisions of the treaty between the United States and Great Britain relative to the boundary waters between the United States and Canada; proclaimed by the President of the United States on the thirteenth day of May, nineteen hundred and ten. *Before any works are commenced in the channel south of Long Sault Island the plans thereof must be approved by the International Joint Commission, to be appointed in accordance with the terms of said treaty, or by such other tribunal as may be agreed upon by the respective Governments interested in said waterway; but any works herein authorized, other than in the channel south of Long Sault Island, shall not be commenced until after the approval of the proper authorities of the Dominion of Canada thereto has been obtained.*

SEC. 3. *That the actual construction of the work hereby authorized shall be commenced within two years and shall be prosecuted diligently and continuously to completion to the satisfaction of the Secretary of War, and the works in the channel south of Long Sault Island shall be completed within six years from the date of the passage of this Act, and all of such work shall be completed within fifteen years from the date of passage of this Act; and in case of failure to comply with the conditions of this section this Act shall be void, and the rights hereby conferred shall cease and be determined: Provided, That the time of completion shall apply only to dams, locks, and other works*

1-2 GEORGE V., A. 1911.

necessary to or constituting an improvement of navigation, and which works shall have been approved by the proper authorities.

SEC. 4. That if said Long Sault Development Company, or any other company or companies acting with it in such development, shall develop power by the construction of works a part of which shall be located north of the international boundary line, at least one-half of the power generated shall be delivered in the United States: *Provided*, That when in the opinion of the Secretary of War and the Chief of Engineers use can not be found in the United States for the full share thus assigned to this country the surplus may be temporarily diverted to Canada, but shall be returned to the United States when in the opinion of said officers it is needed: *Provided further*, That nothing herein contained shall be construed to prevent the importation from Canada of the whole or any part of the power generated from any of the said works in the Saint Lawrence River. *It is understood, and this Act is enacted on the express condition, that the State of New York shall have authority to fix from time to time reasonable charges for power to be furnished by the said Long Sault Development Company, and to regulate the service for the electric current to be produced by it, and that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same and without unfair discrimination as to service and charge.*

SEC. 5. That should the works hereby authorized be or become at any time, in the opinion of the Secretary of War and the Chief of Engineers, inadequate to accommodate, or an interference with, the navigation of that portion of the Saint Lawrence River affected thereby, said company, its successors or assigns, shall, under the supervision of the Secretary of War and the Chief of Engineers, make adequate provision for the accommodation of navigation; and should said company, its successors or assigns, fail so to do, the United States Government shall, under the supervision of the Secretary of War and the Chief of Engineers, do anything required to make such provision for navigation, and the expense thereof shall constitute a debt of said company, its successors or assigns, and a lien upon all its property. *And should said company, its successors or assigns, fail to maintain or operate its dam or dams, lock or locks, with such appurtenances thereto as may be necessary for navigation, the United States Government may, under the supervision of the Secretary of War and the Chief of Engineers, assume jurisdiction and control over the maintenance and operation thereof, and in case the said company or its successors or assigns shall discontinue the use of the said dam or dams and works necessary for navigation connected therewith, or their ownership thereof shall terminate for any cause, or upon the expiration of the period of authorization granted by this Act, then the sole ownership therein, together with the necessary land and approaches appurtenant thereto, shall rest in the United States so far as the same may be located within the territory of the United States. It is hereby declared to be the intention of this Act to impose upon the company to which the authorization is herein granted, its successors and assigns, the maintenance of the channel or channels of the Saint Lawrence River herein described in a form and to a degree of efficiency sufficient for the present and future demands of navigation, and any works herein authorized which are aids to navigation shall be by the said company, its successors or assigns, maintained for that purpose for and during the life of the authorization hereby granted, and the same shall be in suitable condition at the termination of this authorization for permanent use. The Secretary of War and Chief of Engineers are instructed and directed to enforce this provision and any and*

SESSIONAL PAPER No. 157.

all provisions of this Act intended for the maintenance and promotion of navigation.

SEC. 6. That the Long Sault Development Company shall execute a bond obligatory on itself, its successors and assigns, with good and solvent sureties in the sum of five hundred thousand dollars, payable to the United States, for the use and benefit of the riparian and other landowners in and along the Saint Lawrence River, conditioned to pay all damages that may accrue to them, or any of them, by reason of overflow, ice jams, and other causes produced by the erection or maintenance of said dam or dams, and the work of construction shall not commence until said bond is executed and approved by the Secretary of War and deposited in the War Department.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof.

61st Congress.
3rd Session.

Report
No. 1203.

SENATE.

IMPROVEMENT OF THE ST. LAWRENCE RIVER.

February 20, 1911.—Ordered to be printed, with illustration.

MR. BURTON, of Ohio, from the Committee on Commerce, submitted the following

R E P O R T .

[To accompany S. 10558.]

The majority of the Committee on Commerce, to which was referred the bill (S. 10558) to provide for the improvement of navigation in the St. Lawrence River and for the construction of dams, locks, canals, and other appurtenant structures therein at and near Long Sault, Barnhart, and Sheek Islands, report the same to the Senate and recommend that the same do pass when amended as set forth herein.

By reason of the brief time remaining for the transaction of business during the present session and the opposition which has developed from various sources it is doubtful whether this bill can become a law. But in view of the elaborate attention which the committee has given to it, and the importance of certain principles which it is believed should be adopted in the passage of measures where water power and navigation are combined, the committee desires to explain this bill and set forth certain views relating to it.

The bill as introduced grants to the Long Sault Development Co., a corporation organized under the laws of the State of New York, the right to construct a dam or dams in so much of the St. Lawrence River as lies south of the international boundary line between the United States and the Dominion of Canada near Long Sault, Barnhart, or Sheek Islands, either independently or in connection with like works now erected or to be erected in that portion of the St. Lawrence River which lies north of the international boundary line, with a bridge or bridges and approaches thereto, and a lock or locks, a canal or canals, and other structures appurtenant thereto. The bill grants an author-

1-2 GEORGE V., A. 1911.

ization—subject to the general dam act approved June 23, 1910, and to the general act relating to the construction of bridges, approved March 23, 1906. It provides that the Secretary of War shall cause a survey of that portion of the St. Lawrence River to be affected by the improvements with a view to securing a navigable channel suitable for commerce up and down the said river from a point opposite the western end of Croil Island to a point opposite the eastern end of Barnhart Island, a distance of about 11 miles, together with plans and specifications therefor, and the rights herein granted are made conditional on the improvement of said channel by the company at its own expense in accordance with the plans and specifications made by the Secretary of War. (See sec. 1.)

Section 5 of the bill, as originally drawn, declares that if at any time the works authorized shall, in the opinion of the Secretary of War and Chief of Engineers, be inadequate to accommodate navigation or an interference therewith, the company shall make adequate provision for the accommodation of navigation under the supervision of the Secretary of War and the Chief of Engineers, and if they should fail to do so the United States Government may, under the supervision of the Secretary of War and the Chief of Engineers, do anything required to make such provision for navigation, and the expense therefor shall constitute a debt of said company, its successors or assigns, and a lien upon all its property.

The bill as originally introduced seems to recognize the necessity for the concurrent action of the Canadian Government. It is stated in section 2 that the company shall be subject to the provisions of the treaty between the United States and Great Britain relative to the boundary waters between the United States and Canada, proclaimed May 13, 1910.

In section 4 there is a provision to the effect that one-half of the power generated shall be delivered in the United States. But if use can not be found in this country for the full share thus assigned to it, the surplus may be temporarily diverted to Canada. Also, that nothing in the bill shall be construed to prevent the importation from Canada of the whole or any part of the power generated from any of the said works in the St. Lawrence River.

Section 6 requires the execution of a bond in the sum of \$500,000 for the use and benefit of the riparian and other landowners in and along the St. Lawrence River, conditioned to pay all damages that may accrue to them, or any of them, by reason of overflow, ice jams, and other causes produced by the erection or maintenance of said dam or dams.

The usual right to alter, amend, or repeal is carried in section 7.

In the authorization for the erection of works for the creation of water power it is conceded that the consent of the Canadian Government, that of the State of New York and of the United States must alike be obtained. The river is a boundary stream, and at this point there are four islands of considerable size, three of which are in the United States and one in Canada. There are rapids in the river sufficient to preclude upstream navigation, but the channel is utilized in some degree by steamers going downstream, especially by the passenger boats of the Richelieu & Ontario Navigation Co.

The total quantity of horsepower which can be developed in the respective channels of the river in this section has been estimated at not less than 500,000. It will be observed that the situation affords possibilities in the way of development of power surpassed in very few localities in the world. It is also regarded as desirable that this great asset be utilized for the benefit of the people of the two countries abutting upon the river. The members of the committee have

SESSIONAL PAPER No. 157.

considered the problem of safeguarding the interests of navigation and the general public, especially with a view to utilizing water power, providing more perfect channels for navigation, and avoiding any monopoly or right of the corporation to impose burdensome charges.

The Legislature of the State of New York, by an act passed on the 23rd of May, 1907, granted to the Long Sault Development Co. a perpetual franchise, in which was conveyed the right to construct dams and the necessary appurtenances to develop and transmit power. The act does not in terms impose any obligation on the company to submit its charges for the service rendered to any public tribunal or to the Legislature of the State of New York.

The objects which should be secured are:

(1) The promotion of navigation. It is not only probable but reasonably certain that at no very remote date the St. Lawrence in this section will carry a very large amount of traffic. This is now provided for in a measure by a lateral canal, but for larger vessels and more convenient navigation it must be conceded that a channel in the main river would be essential. Such a channel is possible in the southerly arm of the river south of Long Sault and Barnhart Islands.

The bill makes the grant by the Federal Government conditional that the dams which are to be constructed for purposes of water power shall subserve navigation and provide for present and future needs of commerce.

In addition to the dams, the lessees must provide locks and the necessary appurtenances to dams and locks. Also they must take care of the channel south of Barnhart Island, below the proposed dam in the southerly arm of the river. It is represented that a channel not less than 30 feet in depth and 600 feet in width will be provided. The present depth available for boats from the Great Lakes down the St. Lawrence is only 14 feet, and the length of the boats for which the Welland Canal is available is limited to 250 feet.

The committee recommends certain amendments for the more perfect safeguarding of navigation by inserting on page 3, line 15, after the word "expressed," the words "including such dam or dams, lock or locks, and appurtenances thereto as may be necessary for navigation as herein provided." This insertion makes clearer the obligation of the company authorized to construct and maintain the locks and dams which are necessary.

The committee also recommends, again, by inserting on page 6, line 18, after the word "property," the following:

And should said company, its successors, or assigns, fail to maintain or operate its dam or dams, lock or locks, with such appurtenances thereto as may be necessary for navigation, in such a manner as to adequately provide for navigation, the United States Government may, under the supervision of the Secretary of War and the Chief of Engineers, assume jurisdiction and control over the maintenance and operation thereof, and in case the said company or its successors or assigns shall discontinue the use of the said dam or dams and works necessary for navigation connected therewith, or their ownership thereof shall terminate for any cause, or upon the expiration of the period of authorization granted by this act, then the sole ownership therein, together with the necessary land and approaches appurtenant thereto, shall vest in the United States so far as the same may be located within the territory of the United States.

It is hereby declared to be the intention of this act to impose upon the company to which the authorization is herein granted, its successors and assigns,

1-2 GEORGE V., A. 1911.

the maintenance of the channel or channels of the Saint Lawrence River herein described in a form and to a degree of efficiency sufficient for the present and future demands of navigation, and any works herein authorized which are aids to navigation shall be by the said company, its successors or assigns, maintained for that purpose for and during the life of the authorization hereby granted, and the same shall be in suitable condition for permanent use at the termination of this authorization. The Secretary of War and Chief of Engineers are instructed and directed to enforce this provision and any and all provisions of this act intended for the maintenance and promotion of navigation.

The members of the committee were not entirely agreed upon the insertion of the words "or upon the expiration of the period of authorization granted by this act."

The object of provisions and limitations imposed in such a grant is of course the proper security of navigation, and it has been argued in opposition to this provision that an affirmative clause requiring the surrender of the dams and locks at the expiration of the period of authorization would increase the expense of power given to consumers, because the company would find it necessary, in addition to the charge of operation and interest upon their investment, to accumulate a fund equal to the value of these dams or locks during the period for which the grant is given; also that the necessary requirements of navigation are secured if dams and locks are provided and maintained by the company utilizing the power created.

It is not the intention of the committee to seek to establish a precedent for the insertion of such a clause in future grants, but to make certain that whatever works in navigable streams are constructed for the creation of power shall be permanently available for purposes of navigation. The committee recommends that so far as possible in future grants for the creation of power a condition be attached that the grantee shall be obligated to construct and maintain dams and locks suitable for the navigation of the portion of the river which is utilized. The decision must rest in a degree upon the circumstances in each particular case. In some instances it is probable that such a requirement would be unduly severe, but in the case of a water power of enormous value like this it is clear that no rights should be granted except upon the express condition that a permanent improvement in navigation shall be made a condition of the grant, and that such improvement shall continue after the period fixed for the grant itself.

(2) The second object to be guarded in a bill of this kind is a reasonable limitation in the length of the franchise. In view of the probable increase in the use of water power and the very manifest increase in the demand for it, together with the danger of monopoly in the enjoyment of such grants, it is thought desirable to limit the period of authorization to 50 years, or a period of that approximate length. The bill as introduced provides for a period of 99 years and it is claimed that in this particular case the expense and difficulty are exceptional. It is maintained that the necessary works will eventually cost between \$40,000,000 and \$50,000,000. Again, that in the northerly portion or half of the river, seven to ten years will be required for the installation of dams, locks and appurtenances. The unusual time for completion is in a measure due to the comparatively short seasons in which work can be done in this locality. In view of these exceptional conditions, the committee thought best to allow the duration of the franchise to 15 years for completion. It is accordingly recommended that on page 2, line 5, the bill be amended by striking out the words "of ninety-nine years," the length of time provided in the bill, and

SESSIONAL PAPER No. 157.

inserting in lieu thereof "terminating fifty years after the expiration of the time allotted by this act for the completion of the works hereby authorized." The time allowed for the completion of the work is 15 years, thus making a stated period of 65 years.

In the bill as presented to the Senate the period of 15 years is allowed for the creation of any and all structures contemplated. In the opinion of the committee the dam and appurtenant works for the southerly channel should be completed in less time. It is especially important that this part be completed at the earliest possible date, because the navigable channel is located here.

The committee accordingly recommends that in lieu of section 3, which grants 15 years for completion of the work, the following be inserted:

That the actual construction of the work hereby authorized shall be commenced within two years and shall be prosecuted diligently and continuously to completion to the satisfaction of the Secretary of War; and the works in the channel south of Long Sault Island shall be completed within six years the date of the passage of this act, and all of such work shall be completed within fifteen years from the date of passage of this act; and in case of failure to comply with the conditions of this section this act shall be void, and the rights hereby conferred shall cease and be determined: *Provided*, That the time of completion shall apply only to dams, locks, and other works necessary to or constituting an improvement of navigation, and which works shall have been approved by the proper authorities.

The clause at the close of this amendment, "That the time of completion shall apply only to dams, locks, and other works, etc.," which shall have been approved by the proper authorities, is made necessary by the fact that the Canadian Government has not yet authorized the construction of the works in the northerly portion of the river.

(3) The next object to be secured is the assurance that reasonable charges and service will be afforded by the company. With this object in view the committee recommends the insertion of the following on page 5, line 19, after the word "River":

It is understood, and this act is enacted on the express condition, that the State of New York shall have authority to fix from time to time reasonable charges for power to be furnished by the said Long Sault Development Company and to regulate the service for the electric current to be produced by it, and that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same and without unfair discrimination as to service and charge.

In the granting of a franchise of so great magnitude it is altogether desirable to submit to some proper authority the regulation of charges and the service and to prevent unfair discrimination between the consumers of power. It is thought that this object is fully secured by the amendment above quoted.

A perplexing question arises in grants of this nature as to whether the control of prices should rest with the Federal Government or with the State in which the improvement is located. Without stating potent arguments for leaving control to the State in which the power is to be utilized, because of a better understanding of the situation and the immediate control of a corporation which is of its own creation, it is thought that at least in this case the interests of the public will be carefully safeguarded by leaving this question to the State

1-2 GEORGE V., A. 1911.

of New York. The committee would especially recommend, however, that franchises for water power be not granted except upon terms which will secure fair charges and prevent monopolistic control and that jurisdiction be granted to State or national authority as shall prove most effective.

The members of the committee having this bill under consideration regard the three objects above stated as the most important in grants of water power in navigable streams. It is thought desirable to pursue a liberal policy in enabling companies and organizations to develop water power which is now running to waste and to impose no unreasonable restrictions, but at the same time to safeguard navigation, prevent monopoly or excessive charges, and render this enormous asset of the country's resources available for the largest possible number. It is recommended that before the right to develop water power in a navigable stream is granted, the effect of grant upon navigation shall be considered and that if necessary a complete survey be made of such section of the navigable stream as may be affected by the improvement, so that one harmonious plan for improvement may be accomplished. In this case these rapids constitute an obstacle which can be removed or properly treated under the provisions for examination and improvement under the direction of the Secretary of War and Chief of Engineers. There should also be provision that the terms of the grant may be complied with and in case of failure that it may be annulled by an official of the Government. In the opinion of the committee this is sufficiently guarded in the provisions of the bill at least with the addition of the amendments suggested.

Numerous propositions have been made for the imposing of a license fee or charge upon those who enjoy the privilege. In the case of this grant such a charge has been imposed by the Legislature of the State of New York in the grant of the franchise. One difficulty in the way of imposing such a charge arises from the concurrent or double jurisdiction of the State in which the improvement is located and that of the United States. It is further to be suggested that in case the Government of the United States desires to impose such a charge upon those who develop water power action can be taken in the way of an excise tax upon all water power, whether heretofore in use or hereafter to be granted. Such a tax would have in it the element of fairness in that there would be no discrimination between grants already made and those hereafter to be made. The committee would not recommend any considerable tax on this species of property, because the inevitable result would be to increase the cost of power to consumers.

There are one or two further questions presented by this bill, one of which is of a very important nature, because the river at the point in question is on the boundary line between the United States and Canada. The committee is of the opinion that, while reference is made to the treaty of 1910, the bill as originally introduced does not take into account treaty provisions and the common rights of the two countries. They therefore recommend the insertion on page 4, line 2, after the word "ten," the following:

Before any works are commenced in the channel south of Long Sault Island the plans thereof must be approved by the International Joint Commission, to be appointed in accordance with the terms of said treaty, or by such other tribunal as may be agreed upon by the respective governments interested in said waterway; but any works herein authorized, other than in the channel south of Long Sault Island, shall not be commenced until after the approval of the proper authorities of the Dominion of Canada thereto has been obtained.

SESSIONAL PAPER No. 157.

It is thought that this provision, which clearly renders consent by the Canadian Government necessary before any construction can be commenced on either side of the river, secures a sufficient observance of the treaty rights as well as comity of action in the prosecution of this great work.

The attention of the committee has been called to the fact that some objection has been raised in the State of New York to the further prosecution of this improvment, the exact nature of which is unknown to the committee. It is to be observed that a franchise, giving full rights, has been granted by the State of New York without limit in time. The members of the committee would call attention to the provision giving the right to that State, whether existing under its present statutes or not, to regulate charges and service. The provisions of the bill are certainly as favorable to the State of New York as the franchise granted by its own Legislature by more than a two-thirds vote. Any objection to the adequacy of the provision for navigation made by the authorities of New York should be received with the utmost deference, and it is not probable that the bill will pass before such objections can be made. If promptly raised, no doubt due attention can be given to any request from the authorities of the State of New York. It should be observed, however, that so far as the definite action of the State heretofore taken is concerned, Congress, in passing this bill, would be merely affirming and strengthening action already taken by that Commonwealth.

In the opinion of the majority of the committee, this bill, when amended as proposed, marks a distinct advance in regulations for the grant of privileges for the utilization of water power in navigable streams. It is probable that in the future still further limitations and reservations will be regarded as desirable, but in no bill heretofore presented to Congress or passed by it has such complete provision been made for the paramount right of navigation and the utilization of great natural resources in accordance with the public interest. The majority of the committee therefore recommend that, when amended as herein set forth, the bill do pass.

RECAPITULATION OF PROPOSED AMENDMENTS.

Page 2, line 5, strike out the words "of ninety-nine years" and insert in lieu thereof the words: "terminating fifty years after the expiration of the time allotted by this act for the completion of the works hereby authorized."

Page 3, line 15, after the word "expense," insert the following: "including such dam or dams, lock or locks, and appurtenances thereto as may be necessary for navigation, as herein provided."

Page 4, line 2, after the word "ten," insert the following:

Before any works are commenced in the channel south of Long Sault Island the plans thereof must be approved by the International Joint Commission, to be appointed in accordance with the terms of said treaty, or by such other tribunal as may be agreed upon by the respective Governments interested in said waterway; but any works herein authorized, other than in the channel south of Long Sault Island, shall not be commenced until after the approval of the proper authorities of the Dominion of Canada thereto has been obtained.

In lieu of section 3 insert the following:

1-2 GEORGE V., A. 1911.

SEC. 3. That the actual construction of the work hereby authorized shall be commenced within two years and shall be prosecuted diligently and continuously to completion to the satisfaction of the Secretary of War; and the works in the channel south of Long Sault Island shall be completed within six years from the date of the passage of this act, and all of such work shall be completed within fifteen years from the date of passage of this act; and in case of failure to comply with the conditions of this section this act shall be void, and the rights hereby conferred shall cease and be determined: *Provided*, That the time of completion shall apply only to dams, locks, and other works necessary to or constituting an improvement of navigation, and which works shall have been approved by the proper authorities.

Page 5, line 19, after the word "River," insert the following:

It is understood, and this act is enacted on the express condition, that the State of New York shall have authority to fix from time to time reasonable charges for power to be furnished by the said Long Sault Development Company, and to regulate the service for the electric current to be produced by it, and that the same shall be furnished to all proposed consumers who apply in good faith to purchase the same and without unfair discrimination as to service and charge.

Page 6, line 18, after the word "property," insert the following:

And should said company, its successors or assigns, fail to maintain or operate its dam or dams, lock or locks, with such appurtenances thereto as may be necessary for navigation, in such a manner as to adequately provide for navigation, the United States Government may, under the supervision of the Secretary of War and the Chief of Engineers, assume jurisdiction and control over the maintenance and operation thereof, and in case the said company or its successors or assigns shall discontinue the use of the said dam or dams and works necessary for navigation connected therewith, or their ownership thereof shall terminate for any cause, or upon the expiration of the period of authorization granted by this act, then the sole ownership therein, together with the necessary land and approaches appurtenant thereto, shall vest in the United States so far as the same may be located within the territory of the United States. It is hereby declared to be the intention of this act to impose upon the company to which the authorization is herein granted, its successors and assigns, the maintenance of the channel or channels of the Saint Lawrence River herein described in a form and to a degree of efficiency sufficient for the present and future demands of navigation, and any works herein authorized which are aids to navigation shall be by the said company, its successors or assigns, maintained for that purpose for and during the life of the authorization hereby granted, and the same shall be in suitable condition at the termination of this authorization for permanent use. The Secretary of War and Chief of Engineers are instructed and directed to enforce this provision and any and all provisions of this act intended for the maintenance and promotion of navigation.

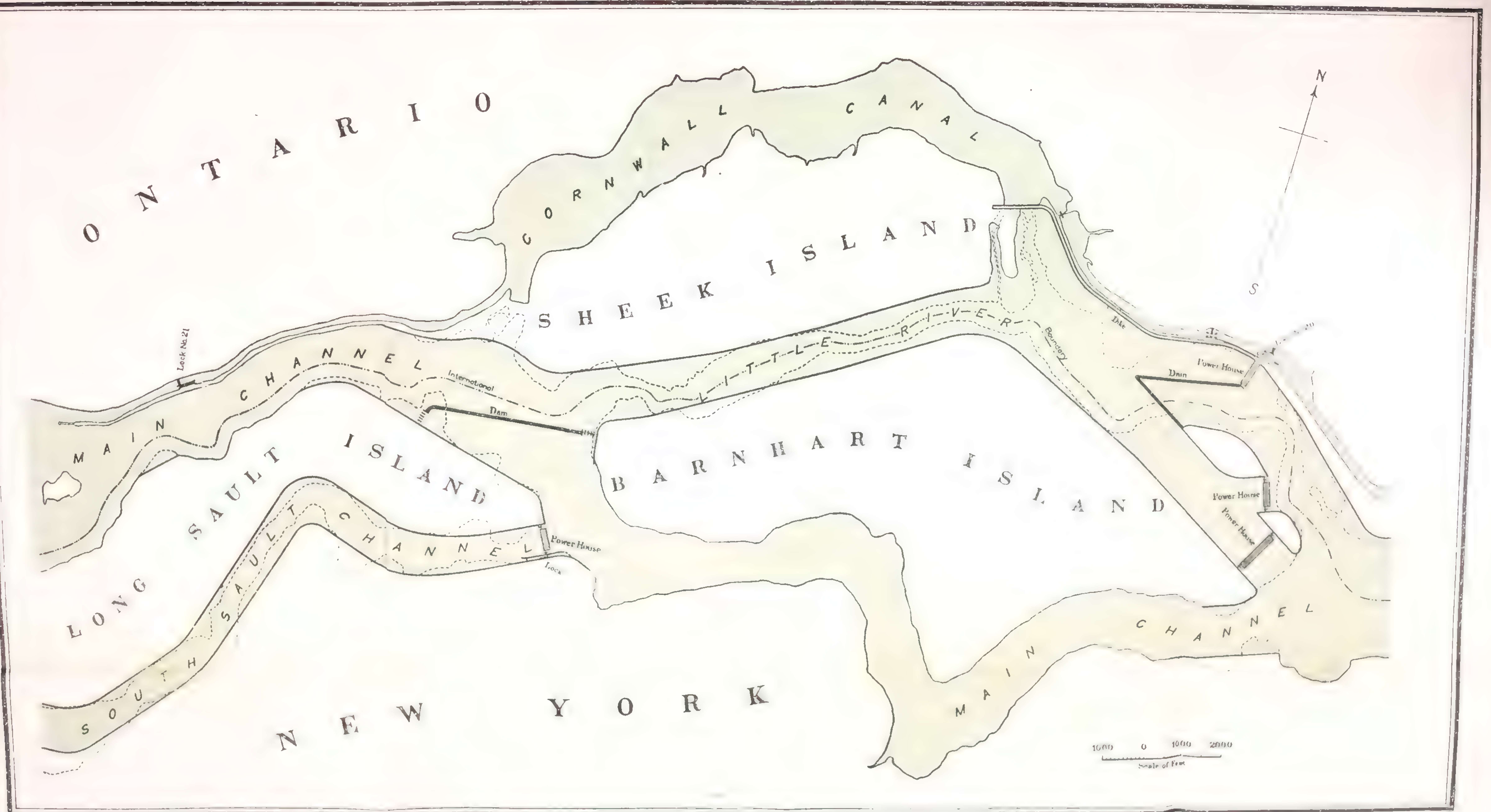
A map of the locality in question is filed herewith.

See "Hansard" 12 February, 1908, and Return to House of Commons—(Sessional Papers No. 140 and 140a, 1907-08).

NCE

MAP SHOWING LOCATION OF
DAMS, CANALS AND POWER HOUSES

— PROPOSED BY —
ST. LAWRENCE POWER CO. LIMITED, AND LONG SAULT DEVELOPMENT CO.



Plan I.

A. 1911

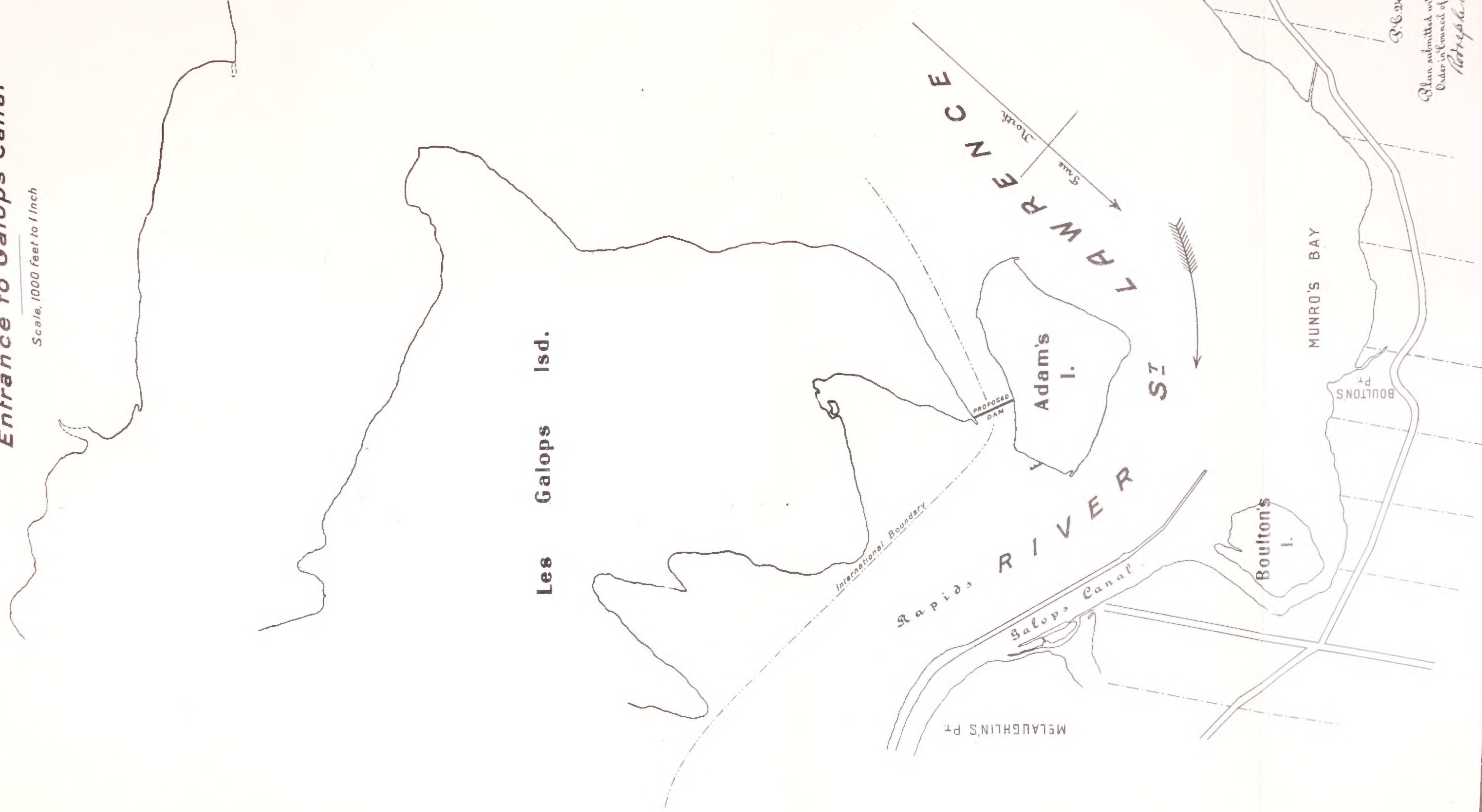
GS

RENCE

PS MOST

**PLAN SHEWING
Entrance to Galops Canal**

Scale, 1000 feet to 1 inch



Plan submitted with
Order in Council of 22 Nov. 1900
Joseph Bradley

NGS

RENCE

ING'S MOST

MAP SHOWING

ST. LAWRENCE RIVER, BETWEEN CORNWALL AND CROIL ISLANDS

AND

CHANNELS USED BY FREIGHT AND PASSENGER STEAMERS UNDER PRESENT AND PROPOSED CONDITIONS

